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THESIS

**THE LEVEL AND STRUCTURE OF POWER
DELEGATED TO HIGH-RANKING MILITARY
OFFICIALS IN A DEMOCRACY:
A CASE STUDY OF THE UNITED STATES**

by

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December, 1997

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A CASE STUDY OF THE UNITED STATES**

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Submitted in partial fulfillment
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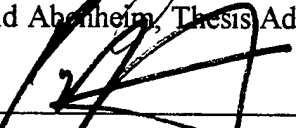


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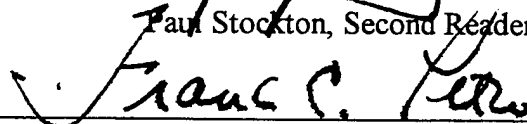
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ABSTRACT

Hungary is in transition to democracy. The country is democratizing its institutions, including the armed forces. The process of establishing democratic civil-military relations, adequate command and force structures as well as re-professionalization of the military personal is based on Euro-Atlantic model. In democratic civil-military relations the military must be excluded from political decision-making. However, as the cases of established liberal democracies demonstrate, the military often attempts to exert influence on political decisions.

The Goldwater-Nichols Department of Defense Reorganization Act of 1986 dealt with the question of how much influence the military should have, and who should exercise this influence. By strengthening the position of the Chairman of the JCS, who is the principal military adviser, the Congress intended to improve professional military advice. Even though the American society generally evaluates Goldwater-Nichols as a success, opinions on the consequences of the Act vary considerably. The thesis argues that a Chairman fully exploiting his position and bringing subjectivity into decision-making process can weaken the civilian authority over the military, which contradicts the intentions of the legislation.

Hungary can make good use of the U.S. case in finding the appropriate balance between civilian and military influence on political decisions related to national security.

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EXECUTIVE SUMMARY

Countries at varying stages of democracy confront different problems of civil-military relations. Established liberal democracies, such as the United States, face the challenge of crystallizing civil-military relations adjusting them to meet the requirements of the Post-Cold War era. Countries establishing democratic civil-military relations, such as Hungary, are preoccupied with the issues of democratic control, military professionalism, and the accommodation of the military in a democratic society.

In a democratic society the military must be under objective civilian control and must be depoliticized. Its members must also be loyal to the constitution and serve under the concept of the "citizen-soldier." In the process of the transition to democracy and democratic consolidation, much depends on the values and behavior of high-ranking military officers and how they can influence the evolution of civil-military relations.

This thesis examines how the relative degree and institutional structure of power delegated to high-ranking military officials affects political decision-making in democratic nations. I argue that the relative authority and policy-making role of the military, especially that of high-ranking military officials, is of crucial importance to democratic civil-military relations. In particular, the role and influence of the highest ranking military official is decisive to the function of the checks and balances between military and society. This carries implications for the future of democracy for such nations as Hungary.

The level and structure of power delegated to high-ranking military officials must be carefully determined by legislation to avoid undesirable military intervention into the political decision-making process, which can undermine the principles of objective civilian control over the armed forces and can ultimately upset the governing principles of democracy.

In the transition to and consolidation of democracy, some kind of interactive process between the military and civilian side must exist, which can bridge civilian goals and military means. The most important person playing the balancing role between civilian and military interests, beside the Minister of Defense, is the highest ranking military commander, the Chief of Staff of the armed forces, or the Chairman of Joint Chiefs of

Staff, if such a structure exists. He is in the position to influence political decisions, including decisions on strategic alternatives regarding national security objectives and contingency planning. This case is most familiar through the United States decision-making process, which forms a the principal case study of this work.

During the Cold War, the organizational independence of the U.S. armed services led to deficiencies in defense operations and in the defense decision-making process. These flaws weakened the strategy-making capability of the government. The Goldwater-Nichols Department of Defense Reorganization Act of 1986 attempted to solve these problems by redistributing power and institutional roles in the Department of Defense. In particular, Goldwater-Nichols Act attempted to strengthen civilian authority over the military establishment and increase the quality of professional advice to the President and the Secretary of Defense.

This thesis argues that by tremendously strengthening the role of the Chairman of the Joint Chiefs of Staff to the detriment of service chiefs, and giving great emphasis to Joint Staff under full supervision of the Chairman, the military's influence on political decision-making has grown substantially. The Goldwater-Nichols Act may have made the decision-making system more effective, but this efficiency has come at the expense of the Secretary's and Congress' ability to exercise civilian control over the military. These consequences contradict the basic intentions of the legislation.

According to the principles of democratic civilian control, the military should be excluded from the political decision-making process on national security issues. The guarantees for avoiding military intervention in policy making have to be formulated in the constitutional provisions, and at the same time backed up by institutional arrangements. The level and structure of power delegated to high-ranking military officials should be based on checks and balances. The stronger the military's voice and bigger its influence on political decision-making, the less command authority it should have over the armed forces. The present position of the Chairman of JCS clearly demonstrates this principle.

Regardless the explicit approach to the military's role in the political decision-making, civil-military cooperation in solving security related issues is important. One of the possibilities for improving this cooperation is a closer interaction on executive level

between the agencies involved in formulating defense strategies and policies. The United States has provided this cooperation by employing civilian experts in military agencies, and military experts in civilian ministries. Another option is the establishment of a National Security Council to formulate national security policies. Even though this approach has not always worked in the United States, such body could bring together ministries of Foreign Affairs, Defense, Interior, Finance, and Industry to formulate policy and provide clear directions to the armed forces.

The defense reorganization in Hungary in 1996-97 gave the Hungarian military more influence over security-related decisions. It is now up to the military side to determine how it should exploit this opportunity, and up to the executive branch to determine how to deal with the challenges of increased military influence.

I. INTRODUCTION

A. SUMMARY OF ARGUMENT

Central and Eastern European countries find themselves in transition from a communist system to democracy. During this transformation of state and society, institutional re-arrangements are under way. The much desired final product is contained in the nations' democratic constitutions. Each political system provides an inherent structure of civil-military relations, which affects the role of the military in the society, its structure and its level of influence on democratic processes and political decision-making. When states change from one political system to another, they must also re-order their civil-military relations to ensure that the military plays a role that accords with the principles, norms and values of the new political system.¹

Countries at varying stages of democracy will confront different aspects of civil-military relations. Established liberal democracies, such as the United States, face the situation of crystallizing civil-military relations and are trying rapidly to adjust them to the changing conditions since 1989. Countries establishing democratic civil-military relations, such as Hungary, are preoccupied with the issues of democratic control, military professionalism, and the accommodation of the military in a democratic society.

In a democratic society the military must be under objective civilian control and must be depoliticized, its members must be loyal to the constitution and serve under the concept of the "citizen-soldier." In the process of the transition to democracy and democratic consolidation, much depends on the values and behavior of high-ranking military officers and how they can influence the evolution of civil-military relations.

This thesis examines how the relative degree and institutional structure of power delegated to high-ranking military officials affects political decision-making in a democratic country. One can well argue that the relative authority and policy-making role of the military, especially that of high-ranking military officials, is of crucial importance to democratic civil-military relations. In particular, the role and influence of the highest

¹ Samuel P. Huntington, The Soldier and the State: The Theory and Politics of Civil-Military Relations, Cambridge, MA: Belknap Press, 1957, p. 2.

ranking military official is decisive to the function of the checks and balances between military and society. This carries implications for the future of democracy for such nations as Hungary.

"One of the basic tenets of representative democracy is that politicians who exercise political power are answerable to those who have elected them, and in whose name they formulate and implement policies."² The military establishment has constitutional accountability through the government for its actions, but not for the policies it implements. According to the premise of popular sovereignty, the democratically constituted civilian authority can legitimate policies, including defense and security policy.³ "The civilian executive authority has the power, (and also the obligation *vis-à-vis* the electorate) to determine the size, type and composition of the armed forces, to define concepts, to propose budgets, etc., for which it needs confirmation by the legislature."⁴ Furthermore, the civilian head of state who is usually the commander-in-chief, and the Minister/Secretary of Defense bear principal responsibility before the polity for the security and defense policy of the state, and thus derives their role in the democratic civil-military relations of the nation.

Such nations as Hungary confront the key question restructuring their civil-military relations; "Should those military officers responsible for carrying out a policy have a voice in framing it?" In the United States, the National Defense Act of 1947 legitimized this "voice" by creating the Joint Chiefs of Staff (JCS), who were to coordinate, but not command, the armed forces. The amendments of 1949 to this act created the position of the Chairman of JCS, who became the advisor to the President and Secretary of Defense. The second question at stake is the question of means (strategies, tactics, and weapons) which the military uses in executing political decisions and the power of purse versus combat experience and service doctrines. The answers to these questions are based on two fundamental principles. On the one hand a) the military must obtain real professionalism,

² Rudolf Joo, "The Democratic Control of Armed Forces, The Experience of Hungary", Challiot Paper 23, Paris, February 1996, p. 3.

³ *Ibid.*, p. 4.

⁴ For a detailed discussion, see Kenneth W. Kemp and Charles Hudlin, "Civil Supremacy Over the Military; Its Nature and Limits", Armed Forces and Society, vol. 19, no. 1, Fall 1992, pp. 8-9.

and on the other hand b) in activities related to the military, the executive authority has to rely on military expertise.

Although the armed forces play an important role in maintaining the state and in carrying out political decisions related to national security, in democratic societies the officers and soldiers must respect democratic civilian control and remain non-partisan as a pre-condition for establishing the ideal of the democratic citizen-soldier.⁵ In practice it means that the country has to commit herself to the "rigorous observance of the principles of non-involvement in politics of the armed forces at all levels of the military hierarchy"⁶

One can argue, therefore, that the decision on authority and policy-making role of the military is of major importance. The level and structure of power delegated to high-ranking military officials must be carefully determined by legislation to avoid undesirable military intervention into the political decision-making process, which can undermine the principles of objective civilian control over the armed forces and can ultimately upset the governing principles of democracy.⁷

The history of the American defense establishment offers a wide variety of problems and solutions to be examined in this study, especially in the period beginning with 1943-47. "[C]entralization was a dominant trend in all reorganizations of the US military establishment, a trend always supported by reformers, and always resisted by those whose roles it threatened."⁸ Centralization resolves a problem, but at the same time it creates another one. Centralization creates a new layer of authority at a certain level in the organizational pyramid that reduces the authority below.⁹ Centralizing power, especially political power might be a dangerous tendency, because it can lead to abuse of power, which can threaten a social structure. In a democratic society the concentration of power has been viewed with deep suspicion.

⁵ Joo, p. 6.

⁶ Ibid.

⁷ Ibid., p. 4.

⁸ Vincent Davis, "The Evolution of the Central US Defense Management". In Reorganizing America's Defense, Leadership in War and Peace, edited by Robert J. Art, Vincent Davis, Samuel P. Huntington, New York: Pergamon Press Inc., 1985, p. 150.

⁹ Ibid., p. 150.

In the American military establishment the first steps toward centralization and service unification were taken in the aftermath of the Spanish-American War when the Joint Army-Navy Board was created in 1903, which can be considered as a forerunner to the Joint Chiefs of Staff system.¹⁰ In 1916 the Council of National Defense was established, which was a cabinet-level committee, and represented the first effort to achieve some centralization on military matters at the highest civilian levels. This body can be regarded as a predecessor to the National Security Council, which was created after W.W.II.¹¹ Concerning the power struggle between the civilian and military sides, one can suggest that the period starting with the National Security Act of 1947 and its amendments in 1949 was more relevant to the topic, since it brought forth the key players and organizations which influence the political decision-making process. However, it would be a mistake to deem this period separately from the rest of the entire evolutionary process, because such factors as service rivalry played an important role in the whole evolution.

B. IMPORTANCE OF THE TOPIC

The thesis examines the problem of civil-military interaction affecting political decisions in the field of national security. It seeks to draw lessons for partner countries involved in NATO initiated Partnership for Peace (PfP) program as is Hungary. The latter presently searches for the delicate balance between civilian and military influence on these decisions. Even though the Armed Forces of the Republic of Hungary will be functioning in a similar system as adopted in the United States, neither the model or structure itself nor its direct applicability matters. Rather, what is important is: a) how the forces interact in this system, and b) how the key players (the Congress, the President, the Secretary of Defense and the Chairman of the JCS) make political decisions or influence them.

After the democratic transformation began in the mid-1980s and culminated at the turn of the decade in 1989-90, Hungary dismantled the old, socialist type military leadership and supreme command structures. This process has left behind a huge disorder

¹⁰ Ibid., p. 151.

¹¹ Ibid., p. 151.

both in military minds and uniformed organizations. It is as if one has ripped the skeleton and head out of a body, to leave behind a mass of bones, muscles and nerves. How can it really work? In the case of Hungary, the country has chosen the model of the West to rebuild the supreme command and the senior military leadership from the wreckage of the totalitarian model.

Civil-military relations in former communist countries showed the same pattern, and they can be best understood by examining the nature of the communist state and the relationship between the military, the government and the Communist Party. The communist Party's leading role created a system in which the party reigned supreme, and its hegemony depended on its ability to control the non-party institutions of the state.¹² The Party and the government structures were interconnected in two ways: first, all important government officials, generals, and most of the officer corps were party members, subject to party discipline and directives; and second, joint party-government committees developed national policies and served as institutional links between the two structures.¹³

Moreover, the Central Committee of the Communist Party had the authority to make policy and to oversee its execution, while government institutions, including the Ministry of Defense directly implemented these policies.¹⁴ "Communist Party direction of the armed forces was neither democratic nor truly civilian but it was real, and in most cases, quite effective."¹⁵ "The communist Party did not exercise democratic control, because its institutions and mechanisms lacked the basic requirements of democratic control and accountability."¹⁶ Secondly, Communist Party control was not the same thing as genuine civilian control, at least not in a sense that the term is used in Western democracies.¹⁷ The reason for this fact is that in a one-party system there are no clear-cut

¹² Bradley R. Gitz, Armed Forces and Political Power in Eastern Europe, New York: Greenwood Press, 1992, p. 8.

¹³ Ellen Jones, Red Army and Society, Boston: Allen and Publishers, 1985, p.2.

¹⁴ Ibid.

¹⁵ Joo, p. 15.

¹⁶ Ibid., p. 12.

¹⁷ Chris Donnelly, "Military-Civil Relations in Post-Communist Systems: Common Problems". In Civil-Military Relations in the Post-Communist States in Eastern and Central Europe, edited by John K. Skogan, Norwegian Institute of International Affairs, 1993, pp. 7-8.

dividing lines between the institutions of the society; thus, the policy-making process very often remains obscure, informal or hidden.¹⁸

The ultimate result of the interconnection between the military and the civilian sides was that the military was involved in political decision-making and the civilian side was involved in the professional aspects or the execution of those political decisions. As Ellen Jones claims, the officers in the Ministry of Defense held a monopoly of expertise on defense issues and military matters, which enabled them to directly influence the policy-making process, although they were not autonomous actors in that process.¹⁹

Consequently, one hopes that this thesis proves important for Hungary since this country struggles with the level of power and authority of military leadership. On the one hand, there are problems deriving from the inherited military structure, political decision-making processes, and inadequate interagency cooperation. Old reflexes endure, especially in the military, which enjoyed many privileges during the communist regime. It is extremely difficult to change the mentality of more senior military personnel and it also takes time to bring new democratic ideas into the military. Most significant is propagation of the professionalism of the Armed Forces based on the Euro-Atlantic model. The difficulty of this issue might be easily explained by the fact that if the domestic social and international environment changes, the defense establishment has to be changed as well in order to face the challenges successfully. As the recent regional security environment suggests, these challenges may vary from light to severe. Regardless of changing circumstances, however, the country has to defend its sovereignty, and moreover, to fulfill the tasks coming from coalition obligations.

C. THE NATURE OF THE PROBLEM

The "[r]epresentatives of the military establishment can have great influence in the early stages of the decision-making process and their input is significant throughout the whole implementation process"²⁰. According to this statement, the nature of the problem

¹⁸ Joo., p. 13.

¹⁹ Jones, p. 23.

²⁰ Joo, p. 4.

at hand in this analysis can be formulated as follows. In any form of undemocratic society, the armed forces play an important role in maintaining the regime, thus they, as political allies, are involved in the political processes. Through this involvement in state functions, high-ranking military officials gain certain advantages, above all - political power. With the change to a democratic form of regime, where civilian control over the military must prevail, the military has to give up the political power that has enabled it to enjoy certain privileges.²¹

In the later stage of democratic transition and during the consolidation of democracy, some kind of interactive process between the military and civilian side must exist, which can bridge civilian goals and military means. The most important person playing the balancing role between civilian and military interests, beside the Minister of Defense, is the highest ranking military commander, the Chief of Staff of the armed forces, or the Chairman of Joint Chiefs of Staff, if such a structure exists. He is in the position to affect decision-making regarding the implementation of political decision, including decisions on strategic alternatives regarding national security objectives and contingency planning²². The later case is most familiar through the United States decision-making process, which forms a major lecture of this work.

On the other hand, the Chief of Staff has the capability to strive for political power directly or indirectly in order to find a political ally to create better material conditions for the military, have credible professional guidance from the civilian side, avoid unsatisfactory bargaining conditions, achieve full accommodation of the forces in the society, find mutual trust and confidence in one of the political players, make the military's threat assessment accepted, prove its professionalism, and preserve the armed forces' privileges provided they are not regulated by the new constitutional provisions.

The professional military desires to achieve as much influence on the political decision-making process as possible. The Chiefs of Staff of the services or the Chairman of the Joint Chiefs of Staff can significantly influence this process through their advice to

²¹ Alfred Stephan, Rethinking Military Politics, Brazil and the Southern Cone, Princeton, NJ: Princeton University Press, 1988, pp. 126-127.

²² Douglas C. Lovelace, Jr., Unification of the United States Armed Forces: Implementing the 1986 Department of Defense Reorganization Act, Strategic Studies Institute, August 6, 1996, p. 38.

the Minister of Defense or the President of the country, since the President is the Commander-in-Chief of the armed forces. In a service-oriented military structure, the Chairman of the Joint Chiefs of Staff is also regarded as a buffer between the chiefs of different services and the civilian side.²³ He will filter the decisions made with regard to the interests of the services and the common interests all the services involved, thus releasing pressure on the different services and maintaining a healthy balance between the services.²⁴ Consequently, the legislation will not have to face the direct requirements manifested by the separate services, but a balanced wish list finalized by the Chairman of the Joint Chiefs of Staff.²⁵

Ultimately, the level of influence of the Chairman of the Joint Chiefs of Staff depends on two factors. First, it is basically determined by the personality of the Chairman. A "strong" Chairman can significantly influence political decisions through his advice to the President or the Defense Committee of the Parliament, in the case of parliamentary democracies. The second major factor, in my opinion, is the support the Chairman gets from the different services. Strong support from below based on joint objectives of the services makes him a stable advocate of professional ideas and concepts. But the common objectives articulated by the different services is born in very controversial circumstances due to the inherent and opposing nature of the services' requirements.²⁶ In my thesis I examine the case of the United States in conjunction to the given topic.

D. METHODOLOGY

In this thesis, the methodology of a single case study is used. This methodology, as well as the others, has advantages and disadvantages. On the one hand, analyzing a single case does not allow invention or observance of patterns in the processes, nor does it permit the generation of comprehensive ideas or conclusions. However, on the other hand,

²³ William J. Lynn, "The Wars Within: The Joint Military Structure and Its Critics". In Reorganizing America's Defense, Leadership in War and Peace, edited by Robert J. Art, Vincent Davis, Samuel P. Huntington, New York: Pergamon Press Inc., 1985, p. 187.

²⁴ Ibid.

²⁵ Ibid., p. 188.

²⁶ Ibid., p. 185.

a single case study enables the author to examine in depth the processes without damaging significant details related exclusively to a particular country. The question may be obvious: why employ the U.S. case? The reason is the model of democratic development of the United States serves as an example not only for fledgling neo-democracies of Central and Eastern Europe, for instance, but also for established liberal democracies.²⁷ The United States is the leading world power in shaping the new security environment, which hopefully will prove to lead to greater security than in previous decades. The United States is the leading nation in preparing and maintaining the Euro-Atlantic defense organization (NATO) for these new challenges.

The case of the United States can serve many lessons for Hungary for many reasons. One is that structural changes, which are well under way in the Hungarian defense establishment, are based on the model developed and applied by the United States Armed Forces, namely the establishment of independent services; the Army and Air Force. It is also useful to apply the required command structure: Chiefs of Staff of the armed services, the Joint Chiefs Staff, and the Chairman of the Joint Chiefs of Staff. In addition, this structure has already undergone many changes and modifications since the middle of this century, depending on the domestic and international security environment, thus serving as an example for Hungary to erect its model.

Moreover, the United States has been living under democracy for more than two hundred years and has managed to develop a firm, but flexible system of objective civilian control over the military, which can serve as an example for many consolidated and developing democracies. The civilian element of democratic oversight is very powerful in the United States and able to prevent any long-term diversion from the principles of democratic civilian control.

Chapter II of my thesis examines the mutual process of accommodation of the military in a democratic society the related constitutional provisions and institutional arrangements, as necessary preconditions to avoid military involvement in political decision-making. Chapter III contains a brief overview of the evolution of the central U.S.

²⁷ Marc F. Plattner, "The Democratic Moment". In Global Resurgence of Democracy, edited by Larry Diamond and Marc F. Plattner, Baltimore: The Johns Hopkins University Press, 1996, p. 37.

defense leadership and management, focusing especially on the second half of the 20th century. Chapter IV elaborates on the preconditions of the 1986 Goldwater-Nichols Department of Defense Reorganization Act, as well as on the act itself and the intended and unintended consequences. Chapter V examines the prerequisites of civil-military relations in the case of a successful transition to democracy, and attempts to give recommendations to new democracies on how to shape the level and structure of power given to high-ranking military officials.

The transformation of the military and civil-military relations is a gradual process, similarly to democratic transition. 'If democracy works in other respects, it is likely over time to bring progress in civil-military relations as well.'²⁸ 'As democratic institutions sink firm roots and popular commitment to the constitutional deepens, the scope for military to intervene in politics, or even to rattle its sabers menacingly, diminishes.'²⁹ This statement underlines the importance of democratic constitution and institutional arrangements.

The transformation of civil-military relations begins on the domestic stage, but 'as new democracies become established and more economically developed, they become more viable partners for participation in democratic collective security arrangements that generate powerful additional pressure (political, normative and structural) for civilian supremacy over the military'³⁰. That is why in the case of such former socialist countries such as Hungary, consolidating democratic achievements and the successful solution of the entire problem of civil-military relations puts a double burden on legislators because the issue itself represents a fairly new phenomenon in the society. The transformation of civil-military relations in Hungary must be resolved in light of possible future NATO membership. It means that democratic institutions and processes must be established in such a way that they could satisfy the conditions of a higher level in democratic coexistence in the future European security architecture.

²⁸ Civil-Military Relations and Democracy, edited by Larry Diamond and Marc F. Plattner, Baltimore: The Johns Hopkins University Press, 1996, p. xxxiii

²⁹ Ibid.

³⁰ Ibid.

II. CONSTITUTIONAL AND INSTITUTIONAL PROVISIONS

‘Democratization of civil-military relations needs to rely on processes of bargaining, dialogue, cooperation, and consensus-building that generally diminish military prerogatives and redefine and professionalize the military’s mission through a series of incremental steps.’³¹

This chapter highlights the basic tasks of an emerging democracy concerning the accommodation of the military establishment in the society, and elaborates on the phenomenon of bargaining between the civilians and the military in order to establish objective civilian control over the armed forces. Furthermore, it outlines the constitutional provisions, institutional arrangements and the involvement of top military leaders in political decision-making as well as the desirable level and structure of power delegated to high-ranking military officials in a transition to democracy. Among all the changes and arrangements in the new democratic society, constitutional provisions are vital to guarantee the sufficient place of the military.

A. CONSTITUTIONAL GUARANTEES

It is in the interest of every sovereign democratic state to possess armed forces capable of defending national and universal values of the society. Every nation has the right to self-defense, which means the establishment of an armed forces within the society. But if such a body is established the nation has to decide on its missions, size, and first of all it has to determine the political objectives for which this “tool” can be used.

This very right for establishing the armed forces must be formulated in the Constitution together with the checks and balances of its operation to be able to avoid the undesirable consequence of the armed body; the danger that can be posed to the state by the same “tool”. The Constitution of the United States stands as the best example of how to put the military under constitutional provisions. In May 1787 one of the first tasks of the framers of the American Constitution was in the area of military affairs ‘to empower

³¹ Diamond and Plattner, p. xxx.

the government to possess a military establishment in peacetime”³². “[T]he convention wrote into the Constitution a series of provisions designed to give Congress complete and comprehensive powers.”³³

The armed forces in every society represent an organization that consumes goods for which it provides security for the nation as a whole. As a consequence, the armed forces both in peacetime, and more intensively in wartime require substantial resources. That is why in August of the same year, after realizing the deficiency in formulation, “the Committee of Detail’s original version; ‘To raise armies’ was amended to include the words ‘and support’, which clarified and strengthened the grant of power to permit the Congress to take whatever steps concerning pay, supplies, impressments, or other activity were needed to keep an army on foot, in peace, or in war”³⁴.

Even before the armed forces are established and kept operational, it is absolutely important to make rules and laws for their operations. It means that the Constitution must determine the rules of the game within a democratic society, concerning the control over the regular or standing army. It is widely believed that regular armed forces can undermine democratic institutions in two ways. One case, when the active military personnel nurses political ambitions, and the other when an active politician or politicians intend to use the armed forces, originally nominated for use in foreign and domestic conflicts, in order to preserve their political dominance even in the face of lost electoral support.

“The Founders succeeded in creating constitutional structures that unambiguously subordinated the armed forces to political rule, and at the same time divided central control over defense matters between the legislative and executive branches.”³⁵ Or as this constitutional structure is called, checks and balances. Accordingly, the Founders gave the authority to declare war, the power to raise and equip armed forces, and the making of rules and regulations for those forces, to the elected Congress. They granted to the executive (the civil government) the power to conduct war, and assigned to the President

³² Richard H. Kohn, The United States Military under the Constitution of the United States, 1789-1989, New York: New York University Press, 1991. p. 71.

³³ Ibid.

³⁴ Ibid., p. 72.

³⁵ Joo, p.2.

of the United States and supreme civilian authority the role of the Commander-in-Chief of the armed forces.³⁶ This constitutional structure of checks and balances prevents the centralized control over the armed forces, meaning that the command of the armed forces and ability to pay for their services are not concentrated in the same hand.

“Thus, the framers separated power over the military, just as they had in so many other areas of government. The two great powers, the purse and the sword, the latter the most direct threat to liberty, were separated, but at the same time shared by the two branches. Each, by exercising its authority over the armed forces, checked the other’s capacity to use those forces against the state. Under the constitutional structure, no army could seize power or become the tool for a coup without shattering the Constitution and with it, legitimate government altogether.”³⁷

Beside the constitutional provisions it depends on the civil society, political society and the state to what extent these provisions will be implemented. The implementation is key to the attainment of democratic control over the armed forces.

1. Civil Society

“Democracy is about the open contestation of power via elections and the oversight and control of state power by the representatives of people.”³⁸ One of the basic aspects of state power is the military. Therefore, in a democracy civil society must consider how it can make a contribution to the democratic control of the military and intelligence system. It requires from the civilian side a special kind of approach to the military, meaning first mutual respect and second mutual expertise in each others’ areas. The civilians must be competent in military issues and vice versa. In order to make the right evaluation of military issues, they must be considered more with the justification of military expenses, which goes beyond the “simple” process of allocation of financial resources for military purposes. This civil competence is achievable through various means. One of the most obvious means is to employ military advisers in the legislative

³⁶ Kohn, pp. 78-87.

³⁷ Ibid., p. 85.

³⁸ Stephan, p. 128.

branch, but this might raise the issue of confidence. Another solution might be the civilian attendance at National Defense Universities.³⁹ But in this case the civilians will probably play a passive role by absorbing the views offered by military experts and scientists. In a more distant stage of democratic transition and consolidation, one or more civilian-led independent research institutions can be established that concentrate on international military politics. "The creation of such prestigious, independent, and civilian-led institutes - and comparable journals - would seem to be high on the agenda of civil society."⁴⁰ These institutes aim at continued professional development of a cadre of citizens who are masters in their knowledge of the force structure, organizational style, budgetary issues, doctrinal questions, and the specific details of weapon systems that are indispensable for the fulfillment of the military and intelligence oversight functions of political society, especially in the legislative branch.

This expertise is useful for the civilian executive authority in formulating constitutional provisions on the military establishment. Furthermore, they can significantly contribute to the crafting of laws and decrees, such as security and defense policy principles, service laws and laws on the status of different military personnel.

2. Political Society

Democratic forms of governance facilitate "the establishment of permanent standing committees in the legislature, or in party-based parliamentary cabinets, which have the obligation of routine oversight and monitoring of the country's military and intelligence organizations"⁴¹. These committees generally enjoy more freedom in selecting professional staffs specialized in the issues of military strategy, budgeting, and intelligence.⁴² Often the representatives of these committees are drawn from the ranks of both the professional civil service and from the political parties. The Defense Committee of the Parliament is an important stage in conveying or channeling professional needs of the armed forces and in preparing the bills for political decision-making by the civilian

³⁹ Ibid., p. 129.

⁴⁰ Ibid., p. 130.

⁴¹ Ibid., p. 133.

⁴² Ibid.

executive authority. Active and professional military approaches in promoting military interests can provide benefits. Standing defense committees offer a stable portfolio (a place for organized lobby) in this respect. On the other hand, self-empowerment of legislative in national security matters through parliamentary defense committees is both politically necessary and politically possible.

‘Political society could do more to empower itself to help create a model of democratic professionalism that would strive to reduce military autonomy and prerogatives. Such a model needs a base in the values, geopolitical perspectives, and technical capabilities concerning military affairs in civil society.’⁴³

3. The State

The interests of the state suggest the expansion of the range of people and institutions in civil and political society with a deep knowledge and concern about national defense and military affairs. It helps to enrich the ideological, technical, and organizational resources democratic governments can call upon when they come into office.⁴⁴ Following the democratic changes the state must ensure that there are certain areas, such as the economy, or issues of human rights where the military must not intervene. Generally, the military should not have a vehicle in internal policy. If the military is involved in the management of internal conflict, this situation also represents threats to military hierarchy because of the tendency of certain military components most involved in repression and intelligence activity to become independent, and for military attention to professional tasks to be neglected.⁴⁵ Consequently, the basic formula of civilian supremacy and military professionalism is the most desirable and must prevail in any circumstances.

In the process of transition to a democratic society the executive authority can behave in a passive or active manner.⁴⁶ If it is passive, it means that any initial effort in the new democratic regime to ‘reprofessionalize’ the military would be led by the military itself. Moreover, if the executive cares only about eliminating the military’s prerogatives

⁴³ Ibid., p. 136.

⁴⁴ Ibid., p. 137.

⁴⁵ Ibid., p. 138.

⁴⁶ Ibid., p. 139.

and fails to play a leading role in formulating and implementing an alternative model of civil-military relations, it would be in early conflict with the military. In the opposite case, where the executive is actively involved in all the transitional issues, and attempts to increase military professional capacities and lessen the risks of further military intervention, the process of democratization will not be derailed.

B. CIVIL-MILITARY RELATIONS AS A MUTUAL PROCESS OF ACCOMMODATION: THE EXPERIENCE OF HUNGARY

"The development of civil-military relations is a dynamic process in which problems are managed but are never solved, in the definitive sense of the term. Even in a mature democracy, the stability of civil-military relationship is not a given that can be taken for granted."⁴⁷ "In this relationship, too, conflicts constantly re-emerge, which makes democratic control a permanent "issue" in society."⁴⁸

This is why establishing civil-military relations in a transition period has a uniqueness in two aspects. First, developing a new type (democratic) of civil-military relations in transition is a new feature in the institutional structure of an emerging state, since such an issue supposedly had never been on the agenda in the previous regime. "The idea that the military should be placed under strict civilian control is new to most of Central and Eastern Europe."⁴⁹ Second, adequate formulation and legislation of this issue can mark a stable beginning for this relationship defining the basis for civil-military cooperation for a long period to come. The failure in doing so, ultimately can undermine successes achieved in institutional engineering and can lead to the collapse of an unconsolidated democratic structure, and make the whole democratic process reversible. So, double responsibility rests on the shoulders of each of the players, civilian and military, involved in establishing civil-military relations.

⁴⁷ Peter M. E. Volten, On Analyzing Civil-Military Relations, research outline manuscript, Center for European Security Studies, University of Groningen, the Netherlands, 1994, p. 4.

⁴⁸ Joo, p. 7.

⁴⁹ Janusz Onyszkiewicz, "Poland's Road to Civilian Control". In Civil-Military Relations and Democracy edited by Larry Diamond and Marc F. Plattner, Baltimore: The John Hopkins University Press, 1996, p. 101.

"If civilian rule over the areas of security and national defense is central to any democracy, it is particularly so to new democracies just emerging from situations in which the military occupied prominent position."⁵⁰ Regardless of the modification of authoritarian regimes, the armed forces played a central role in maintaining law and order, suppressing undesirable political forces aiming at overthrowing a particular dictator or the whole socialist leadership. The use of the military to keep non-democratic leaders or regimes alive is less inherent to former socialist countries, where the army was not the only means in helping to suppress. Since the armed forces in former socialist countries were under strict control on behalf of the Communist Parties, these societies were less prone to military coups. These militaries were intentionally made incapable of executing military coups.

1. The Transformation of the Military

"In new democracies the issue of control of institutionalized force is all the more germane because the question of exclusive areas of competence for the military and the government is itself a matter of contestation."⁵¹ This argument is applicable in a situation, when there is a transition from an open or a latent military regime to a higher level of societal development (democracy), such was the case with some of the Southern European, Latin American and African countries. But in a transition from a European socialist (relatively less militarized) to a democratic regime the involvement of the armed forces in the transition is less significant, since the competition is going on not between the military and the society, but rather between non-democratic and democratic civilian political forces. As it has been described above, the socialist regime had other than military means to sustain the regime itself, such as strong ideology, highly sophisticated secret police, both within the society and the armed forces. Nevertheless, to assert a certain level of military involvement in stabilizing the regime would be applicable.

⁵⁰ Felipe Aguero, Soldiers, Civilians, and Democracy: Post-Franco Spain in Comparative Perspective, Baltimore: The Johns Hopkins University Press, 1996, p. 16.

⁵¹ Ibid., p. 17.

The Hungarian case suggests that unlike other countries in the Central and Eastern European region "the Hungarian army stayed absolutely neutral during the Hungarian transition. Once again, given Hungary's recent political history, the army calculated that a passive acceptance of peacefully negotiated change would not hurt its interests"⁵² Back in history, whenever a chance appeared to overthrow the socialist regime in any socialist country a direct military involvement was to be executed by other socialist countries led by the Soviet Armed Forces. It was the case in Hungary in 1956, in Czechoslovakia in 1968.

Poland "managed" to handle the democratic uprising in 1981 by proclaiming the state of martial law, in this way saving the country from an invasion by East-German, Czechoslovakian and Soviet troops. Moscow had never intended to use the home army to restore the regime, but a strong Soviet presence in each former socialist country assured the "necessary" remedy in case of emergency. That is why "in 1956 the [Hungarian] military either supported the revolution or deserted from the army, but there was no organized force, which supported the Russian invasion. ... From the very beginning of the regime change the demand of the withdrawal of Soviet troops was on the agenda."⁵³

As it has been said before during the democratic shifts in 1989 the armed forces remained neutral. In this transition in 1989 "the army's gamble paid off in terms of trust. In an annual study of citizens' trust in institutions, in every year between 1989 and 1992, the army ranked the highest of the six institutions polled."⁵⁴

"From the historical and comparative perspective, political society made a further step toward the capacity to function well in that, unlike the Philippines, Korea, or any country in Latin America, Hungary selected a pure parliamentary model of government."⁵⁵ One more evidence, that in the Hungarian transition the armed forces did not play any significant role in the political struggles.

⁵² Juan J. Linz and Alfred Stephan, Problems of Democratic Transition and Consolidation, Baltimore: The Johns Hopkins University Press, 1996, p. 309.

⁵³ Ibid., pp. 309-310.

⁵⁴ Janos Simon, Fieldmarshal's Baton and Peace (Judgments on the Role of Military in Hungary during the Regime-Change between 1988-1992), Budapest: Erasmus Foundation for Democracy, 1993, quote from pp. 7-8, poll data found in Table 3.

⁵⁵ Linz and Stephan, p. 310.

Discussing the concept of civilian supremacy, one has to make a reference to Samuel Huntington's influential formulation of models of civilian control. 'Huntington rightly linked civilian control to the minimization of military power, which would allow civilian authorities effectively to make the military "the tool of the state".'⁵⁶ This control is based on the maximization of professionalism, which has the consequence of rendering the armed forces 'politically sterile and neutral'. This minimization of the military's political power is balanced, however, with 'recognition of autonomous military professionalism ... of an independent military sphere.'⁵⁷

Talking about political power, in Hungary the Hungarian Round Table agreement in 1989 did not lead to a power-sharing formula but to direct popular elections of the Parliament. This fact underlines that the Hungarian military was excluded from any political power sharing, since the military as a body, and the servicemen are not entitled by constitutional provisions to run for any political office, and according to military's Service Law, the members of the armed forces must stay neutral, they cannot be a member of any political party. But on the other hand, since they are civilians in uniform they have electoral rights to participate in democratic elections.

According to Vincent T. Maphai; 'Political power is made up of several elements: economic resources (wealth, skill, productive capacity), coercive power (control of the army and other security forces), control of the public sector, international standing, and political legitimacy as evidenced by electoral support.'⁵⁸ Considering these prerequisites for political power with common sense, the armed forces are precluded from political power. So, it is one more evidence, that the armed forces are not in a position in a democratic society to have a share of political power.

In contrast to this kind of control (civilian control) stands subjective control, which presupposes some degree of military involvement 'in institutional, class, and constitutional politics. Control here is exerted via civilianization of the military, by making it "the mirror

⁵⁶ Huntington, p. 84.

⁵⁷ Ibid., pp. 83-84.

⁵⁸ Vincent T. Maphai, "A Season for Power-Sharing", *Journal of Democracy*, Volume 7, Number 1, January 1996, p. 72.

of the state” and by denying “an independent military sphere.”⁵⁹ In democracy, however, the degree of military participation can vary only within well-defined limits. Military participation and influence in government policy-making cannot trespass beyond certain thresholds that are critical for the maintenance of democratic government.” “The process of asserting civilian supremacy after authoritarianism normally starts with the gradual removal of the military from societal concerns to intermediate or institutional concerns.”⁶⁰

In translating these areas of responsibility one can conclude, that the civilian executive authority has the power to formulate policy on defense and security matters, and also related areas necessary to implement those political decisions. “In these activities it has to rely on military professionalism and expertise. Therefore, representatives of the military establishment can have great influence in the early stages of the decision-making process, and their input is significant throughout the whole implementation process. There they can - and should, if needed - express opposing or critical views in the *internal* debate on the main strategic options.”⁶¹ This process itself presupposes the civilian supremacy as well.

“Civilian supremacy is reached through a process consisting, first, of the removal of the military from power positions outside the defense area and, second, of the appointment and acknowledgment of civilian political superiors in the defense and military areas.”⁶² In the socialist system the top military leadership constituted a part of the highest decision-making and governing political body, the Politburo. In this setting many problems occurred due to the overlapping areas of responsibilities between civilians and military. Intervening in each others professional matters (policy-making and professional implementation), it was impossible to define clearly the domains of responsibilities, which led to a chaotic situation and mutual distrust, especially at power implementation levels, since the military, who considered themselves professional experts did not favor direct party directives interfering with military jobs.

⁵⁹ Huntington, p. 83-84.

⁶⁰ Aguero, p. 18.

⁶¹ Joo, p. 4.

⁶² Aguero, p. 18.

The top level military leaders, previously involved in policy-making (tasting the charm of political power) supported the old institutional structures trying to avoid their own removal from political positions, thus losing power and prerogatives.

Felipe Aguero argues that "the attainment of civilian supremacy demands that proper governmental structures already exist or are in the making which allow for a pattern of authority in state agencies such that civilians may effectively exert leadership over the military."⁶³ Even if the problem of controlling the military almost never existed in Hungary, the preceding statement is of paramount importance. Unlike other former socialist countries, Hungary managed even before the beginning of the democratic changes (approximately by 1987) to make several institutional changes necessary to the transition process. It made the institutional transition relatively easy, but the existence does not guarantee the proper functioning of democracy as a system. The interagency processes are likely to play an important role in this process. The key element to democracy (general framework including institutions and procedures) is the democratic constitutional formulation of all the interests articulated by each of the players in a democratic process. The Constitution must delineate the division or share of political power on which the system works. Formulating the constitutional provisions during the political shifts, "Hungary had amended a Communist-made constitution, rather than creating a new one, was still a source of political conflicts in 1995."⁶⁴ The inadequacy of constitutional formulation caused a power struggle between the president, the prime minister and the minister of defense in the early 1990s. The question was "Who is in the charge of the armed forces?". "The new reform intended to put the armed forces under communist control by relocating the core of the army cadres from the defense ministry to a Hungarian Army Commander subordinate to the president. As a result of the reform, the president - who was expected to be communist reformer - became the commander-in-chief of the army. Whereas in most other parliamentary system a clear line of authority exists from the prime minister to defense minister and to the chief of general staff. After the December

⁶³ Ibid., p. 20.

⁶⁴ Linz and Stephan, p.312.

1989 Hungarian defense reform the line of authority went directly from the president to the Commander of the Hungarian Army to the Chief of Staff, leaving the government basically out of the chain of command, one unfortunate result of which was increased tension between the president and the civilian government.”⁶⁵

“Thus problems and political differences soon escalated into significant tension in civil-military relations.”⁶⁶ The problem originated essentially from the relationship between the military and the ministry of defense. The new defense reform in 1992 had the dual purpose of subordinating the military command to the defense ministry in accordance with the Constitutional Court decision and replacing career officers with civilians in order to strengthen the leading coalition party control over the ministry. The president remained the commander-in-chief of the armed forces with specific duties and responsibilities which though defined by the Constitutional Court remained untested. “According to Lajos Fur (the first minister of defense after the first democratic elections), as of 1 March 1994, the defense ministry would have three state secretaries: political, administrative, and chief of staff.”⁶⁷ This statement demonstrates the need to rely on military advise and expertise both in political decision-making and policy implementation. The top command echelon of the armed forces cannot be handled independently, separated from the administrative level of defense management.

2. Department of Defense

“A department of defense helps empower civilian authorities by providing them with a unified structure for the conduct of policy and homogenizes the military with the rest of the state administrative bureaucracy.”⁶⁸ However, “the presence of civilians in the defense ministry is not an end in itself. Their introduction into the MOD structure is not a mere democratic requirement: it also has practical advantages. Civil servants who have had previous experience in other branches of public administration prior to coming to the

⁶⁵ Jeffrey Simon, NATO Enlargement and Central Europe, A Study on Civil-Military Relations, Washington: National Defense University Press, 1996, p. 142.

⁶⁶ Ibid., p. 145.

⁶⁷ Ibid., p. 153.

⁶⁸ Aguero, p. 20.

Ministry of Defense (for instance, Foreign Ministry; Interior or Justice) generally prove to be better communicators, having more technical skill in inter-agency cooperation.”⁶⁹ In a democratic, pluralistic array of institutions there is a permanent competition among these new institutions for status and resources. It is in the interests of the armed forces to have a defense ministry, which can successfully communicate with Parliament, the Ministry of Finance, various NGOs, or with the public as a whole, when it wants to gain their support. “Western experience shows that civilian economists, sociologists and legal and media experts who also have the necessary knowledge of defense matters can be effective advocates for the MOD/armed forces.”⁷⁰

Another important aspect is that the Ministry of Defense has to operate in the state administrative bureaucracy, while its executive organ, the armed forces has to function in the conditions of market economy. Since, the whole state functions under the conditions of free market competition, the military cannot be an exception as used to be the case in the socialist regime, just as most of the sectors of state production. In that time the military-related businesses enjoyed strong state subsidies. In a market economy, where free competition prevails, civilian economists, or military economists with sufficient knowledge of economics can successfully manage the army’s needs and its procurement. Economic issues include defense budgeting, resource allocation and spending. The same situation is true for the other experts within the defense portfolio.

The following describes a brief situation in MOD after the democratic shifts started. The first “democratic” civilian defense minister in May 1990 inherited a numerically and organizationally weak ministry. “The ambition of the new administration was *first*, to transform this remnant of the military Ministry into a Ministry of Defense in line with the model found in Western countries, and *second*, to reintegrate the Defense Staff into the Ministry of Defense, also in accordance with the primary goal. The realization of the first aim meant essentially the *reinforcement* - in both organizational and

⁶⁹ Joo, p. 31.

⁷⁰ Ibid.

personnel terms - *of the civilian-administrative component* of the MOD.”⁷¹ The reform sought a Ministry of Defense, headed by a civilian politician, that implements the decisions of the Government with respect to the armed forces through specific military activities of the (re-incorporated) Chief of Defense Staff. The Defense Act adopted in December 1993 laid the legal grounds for the reintegration of the Defense Staff into MOD. The preparatory work started in January 1994⁷², but was stopped in July of the same year, when the change of administration occurred. This fact shows a fragment of institutional engineering, how players are trying to gain political influence.

In the model adopted in the early 1990s, the MOD is the locus of “the very essence of civil-military relationship between armed forces and society.”⁷³ “This is the very crucial point at which the military meet elected politicians (the minister and the political state secretary in case of Hungary) and civil servants (from desk officers to the ‘administrative state secretary’ and the deputy state secretaries).”⁷⁴ Between 1991 and 1994 the “civilianization” process succeeded in bringing civilians to the MOD to all positions, including state and understate secretaries, the heads of ministerial departments as well as the executive assignments. “Professional training and personnel ability were the essential qualifications in the ‘civilianization’ process in the MOD after the political change. Nevertheless, the leadership of the MOD between 1990 and 1994 failed to make clear policy decisions on whether it wanted to follow the non-partisan ‘civil servant’ (for instance, British) or the ‘political appointee’ (for instance, US) model in the ‘civilianization’ of the Ministry. A substantial ambiguity remained in this regard, which proved to be prejudicial to the success of the transition in the first, crucial period.”⁷⁵

However, five years after the “systematic change”, the process of “civilianizing” the ministry is on the whole falling short of the initial hopes of those politicians who

⁷¹ Before 1990, within the Hungarian MOD the authority and responsibilities of Minister of Defense and supreme military commander were merged in the hands of one person. The Minister was simultaneously a member of the (civilian) government and the highest ranking uniformed officer; as a rule, in the Warsaw Pact model, his first deputy always served as Chief of Defense Staff.

⁷² *Four Years In National Defense. 1990-94*, Budapest, Hungarian Ministry of Defense, 1994, p. 187.

⁷³ Martin Edmonds, *Central Organizations of Defense*, Boulder, CO: Westview Press, 1985, p. 2.

⁷⁴ Joo, pp. 48-49.

⁷⁵ *Ibid.*, p. 49.

wanted a more dynamic transformation of defense management. The reason for that is, in 1994 a Hungarian Socialist Party - Alliance of Free Democrats coalition that took office after the electoral victory. A retired colonel was appointed as a minister of defense.

"With the arrival of new administration, relatively few changes were made in the organizational structure of the Ministry of Defense developed by 1994: a new (fourth) deputy secretary post was created, which involved an insignificant redistribution of the supervised areas."⁷⁶ Much more substantial were the personnel changes, including all vice-ministerial posts and the overwhelming majority of the head of the department and head of the section positions. With two exceptions (the political state secretary and one deputy state secretary) active or retired two or three-star generals were nominated to the vice-ministerial-administrative state secretary posts. "These personnel changes have their significance not only, and even not primarily in the classic dichotomy of civil-military relations. This "remilitarization" of the MOD has signaled a very clear message of political-ideological *restitutio in integrum* in defense management."⁷⁷ In response, Chairman of the National Assembly's Defense Committee, expressed concern about "militarization" of the defense ministry and noted that there was not enough "civilian staff". Jeffrey Simon in his book "NATO Enlargement and Central Europe, A Study on Civil-Military Relations", called this phenomenon; "From Citizens in Uniform to Generals in Suits"⁷⁸, suggesting a diversion to a less democratic period of transition in the defense matters. This development obviously provoked adverse reaction at home (essentially from the political opposition, the media and some defense intellectuals) and abroad, serious concern being voiced about the direction of events and the *effectiveness* of civilian control of the Hungarian military.

"In Hungary, besides the parliamentary reactions already mentioned, think-tanks and defense intellectuals turned their attention to the risks that "the neglect of civilian control" implies from both the domestic and external diplomatic points of view."⁷⁹ Even

⁷⁶ Ibid., p. 50.

⁷⁷ Ibid.

⁷⁸ Jeffrey Simon, p. 156.

⁷⁹ Among numerous articles see the following Hungarian newspapers; Magyar Hirlap, 17 March 1995, p. 8.; Heti Világgazdaság, 12 November 1994, pp. 103-104.

within the Government, key officials in the Ministry of Foreign Affairs seem not to be satisfied with current state of civilian control in Hungary in the light of Euro-Atlantic requirements. To improve the situation in the MOD another civilian expert, a diplomat with huge expertise on all democratic affairs, was nominated to a state undersecretary post in 1996, with the responsibility for Euro-Atlantic integration process, and bilateral and multilateral international affairs. His presence in the Ministry of Defense seems to strengthen the civilian oversight of the military administrative bureaucracy, not least with his major influence on the preparation of political decision making concerning military matters. This step suggests the importance of the personnel factors, which should not be excluded in any case in democratic transition and consolidation.

3. Attainment of Civilian Supremacy

Felipe Aguero in his book, *Soldiers, Civilians, and Democracy*, defines the conditions when "Civilian Supremacy Attained". But before he concludes "I will argue, however, that democratization and civilian supremacy can be secured without prior voluntary support of the democratic credo by members of the armed forces"⁸⁰. "It means that you don't have to have a whole bunch of democrats to have democracy."⁸¹

So, the question still remains: "When can the process of asserting civilian supremacy be said to be complete?"⁸² He gives two possible solutions for measuring the level of adequate civilian supremacy. First, "to establish a certain period of time after the end of the transition during which, for instance, the military has abstained from intervening"⁸³. In the case of Hungary this is not the way to go, since as we have already clarified earlier, by no means the Hungarian military can interfere in civilian political decision-making. It makes sense to apply the other recommendation given by Aguero, to verify whether civilian supremacy is attained or not. But before applying the second recommendation one should not lose sight of the fact, that Hungary is still in the period

⁸⁰ Aguero, p. 21.

⁸¹ Interpretation given by Professor Thomas Bruneau in "Introduction in Civil-Military Relations" course, Naval Postgraduate School, Winter 1997.

⁸² Aguero, p. 21.

⁸³ Ibid.

of democratic transition, so, in the current stage of development of the events we are able to judge only certain achievement and designated directions of further development in the context of the relations between the civilian and military sides.

Aguero's operational criteria, to judge whether civilian supremacy is attained or not, combines the time dimension with the following substantive elements of civilian supremacy:

- some habituation has been reached over a number of years in the exercise of civilian leadership;
- the prerogatives contemplated in the definition of civilian supremacy have been formalized in this definition in the nation's constitution or other major laws;
- no overt challenge by the military as institution to civilian authority and the constitution has taken place over a number of years;
- the military has manifestly had to accept at least one major decision taken by civilian authorities about which military opposition had been previously voiced.⁸⁴

Considering these substantive elements of civilian supremacy Jeffrey Simon in dealing with civil-military relations of Hungary in the light of NATO expansion calls his whole chapter "Constitutional Challenge and Reform". It means that he considers the second of Aguero's elements the most critical for the success of the Hungarian democratic transition. Listing several ambiguities in the procedural implementation of tasks, which ensure civilian supremacy, he calls attention to the following: "For Hungary there are other tasks to achieve effective civilian oversight of the military - to adopt a new constitution that has broad based national consensus and clarifies some outstanding issues such as the president's wartime authority. In addition, Hungary needs an interagency organization (a National Security Council) that could formulate national security policy."⁸⁵ Looking for solutions, he defines the main tasks of the Ministry of Defense, which are as follows:

- ensuring the maintenance of *real* civilian oversight of the military;
- restructuring the defense ministry, integrating the General Staff into it;

⁸⁴ Ibid.

⁸⁵ Jeffrey Simon, p. 173.

- implementing a mid-and long term planning mechanism in MOD;
- cultivating civilian specialists into the Ministry of Defense.

Other major principles of asserting civilian supremacy in postauthoritarian regimes, are closely tied to the interdependent relationship, which may be seen as a reform of communication and bargaining. The actors for these interactions are given, namely the military on the one hand, and the civilians on the other hand. Nobody can argue against a basic set of circumstances in which "the start of the transition finds the military and the civilians holding distinct, often conflicting interests. The military, as with any large organization, seeks to advance its institutional interests and prerogatives"⁸⁶. "On the other hand, relevant civilian political groups seek the establishment of democracy as an institutional means of solving conflicts."⁸⁷

For this bargaining both sides pursue interests, which are characterized with inherent uncertainties and require guarantees. "For the military, guarantees are those, that secure its autonomy and protect it from external control. Furthermore, institutional guarantees for the military are those that prevent outcomes in the political process which are deemed threatening to the military institution and to its views of national security."⁸⁸ However, the assertion of civilian supremacy demands that guarantees initially given the military be reduced, replaced or reformed.⁸⁹

Being aware of the assets necessary for bargaining each of the parties involved is trying to gain as much advantage as possible. But, "bargaining does not necessarily entail a formalized situation in which actors explicitly exchange agendas and mutual claims and demands, although it may very well take this form, and it often has. Bargaining is, rather, a constant process in which actors signal intentions and brandish resources with a view producing reactions and responses, which are in turn taken as signals for renewed interaction"⁹⁰ "Success in these exchanges as a matter of relative strength."⁹¹

⁸⁶ Agüero, p. 23.

⁸⁷ Ibid.

⁸⁸ Ibid., p. 25.

⁸⁹ Ibid.

⁹⁰ Ibid., p. 26.

⁹¹ Ibid., p. 27.

The relative strength depends on the strength of political culture, the strength of social system, or the degree of political institutionalization. As well as in a stable democracy political culture presupposes the knowledge of the interests and professional expertise of the other side. In order to have a "good bargain", both the military and the civilian sides are responsible for the possession of that expertise. Of course, even having them the military must be aware about civilian supremacy and the fact that the bargain on its side does not pursue political goals.

Due to the lack of this expertise, difficulties emerged in the bargaining process in Hungary. Difficulties of change on the civilian side included the absence of civilian expertise on defense and security matters, since the socialist system was characterized by excessive concern for military secrecy, thus the issues related to military affairs were simply excluded from public debate. Furthermore, for various reasons of recent or more distant history, the civil population harbored explicit anti-military feelings and intellectuals involved in bargaining were not totally exempt from that prejudice. And thirdly, the concept of civilian control and political neutrality has not always been correctly understood by the (civilian) politicians of the new democracies.⁹²

Difficulties were observed on the military side as well. For example, the military had no experience of working with civilians representing opposing (democratic) interests in the old regime, it lacked the ability to compromise, since it got used to the commands coming from the highest communist party level. These objective conditions also prevented both sides from mature bargaining.

There is no doubt, that in this process of bargaining internal unity on both sides respectively is of utmost importance. Unity for civilian forces is no less important than for the military. Ultimately, "civilian coalescence on fundamentals will limit the range of resistance strategies available to the military"⁹³. In the bargaining process the public usually supports the civilian side, since according to comprehensive strength model; it sets the military on one side and the political system on the other side. "It cannot, therefore

⁹² Joo, pp. 21-23.

⁹³ Aguero, p. 31.

capture situations in which actors unevenly empower themselves within a shared institutional setting, itself changing in a period of regime transition.”⁹⁴ Consequently, manifest citizen support for emerging civilian structures, leaders, and policies is a deterrent to forceful action by the military against reforms, as it signals increased costs to intervention and reduces the military’s bargaining power.

Ultimately, “the goal of asserting civilian supremacy demands that civilian leadership develop its own conception of national defense accompanied with civilian expertise. Civilian leaders must develop their own general appreciation of the nation’s security problems and threats and a concordant definition of the goals of national defense.”⁹⁵ “More specifically, they must develop policies on the allocation of resources for national defense and on the relationship that military should establish with the rest of the state and society.”⁹⁶

“It is generally the case that civilian leaders have little, if any, command of military and defense affairs when the transition to democracy begins.”⁹⁷ From this statement Felipe Aguero suggests that the civilians can do a better job, a better bargain when they have at least some degree of confidence with military. But, one supposes, that civil-military relations must be immediately in the focus of the state affairs (even if the military does not pose a significant danger to the new state), since effective control over the armed forces can give a confidence to state managers in overcoming different problems of the transition period.

Last but not least, economic factors play a considerable role in the transition process. Usually, the conditions are more favorable, when a successor government is economically prepared to cope with different legacies of authoritarianism and with the eventually growing demands of a resurrected civil society. ‘Economic prosperity also provides flexibility in government’s dealings with the military and assists in the satisfaction of some of its economic and budgetary demands.’⁹⁸

⁹⁴ Ibid., p. 28.

⁹⁵ Ibid., p. 32.

⁹⁶ Ibid.

⁹⁷ Ibid., p. 33.

⁹⁸ Ibid., p. 34.

As a matter of fact scarce economic conditions can pose a considerable threat to newly born, still fragile democracies. As a consequence, worsening budgetary conditions can hamper the smooth development of civil-military relations. Two types of danger can occur due to unsatisfactory economic conditions. First, on occasion the new political establishment can make incorrect threat assessments, or might be insensitive to the real national security needs. This would lead to unsatisfactory defense budget allocations. And the second, worsening budgetary conditions can "stimulate the military's reentry into politics, especially in those cases in which the military, from its governmental experience, learned about the intractability of problems in this area and of the risks involved in being placed in the charge of solving them"⁹⁹.

It is obvious, that "the first institutionalized postauthoritarian political arrangement, then, becomes a factor in itself by shaping the institutions that differentially empower the civilians and the military for the ensuing process, within which attempts to attain civilian supremacy and democratic consolidation will take place"¹⁰⁰. "An important effect of initial conditions on the post transition process is that they unevenly empower political actors in their attempts to change or maintain the contours of the first, inaugural postauthoritarian arrangement."¹⁰¹ However, initial conditions vary country by country.

As the case of Hungary shows, the problems between civilians and the military were settled in a peaceful way, with the military fully accepting civilian supremacy in the transition period and thereafter. For Hungary the constitutional arrangements constituted and continue to constitute a challenge in solving the political disputes on the domination over the armed forces. "In the future more attention should be focused on specific arrangements of democratic defense management, in other words how the ministry of defense is organized, how relationship between Parliament, the MOD and the High Command are developed, how defense budget is worked out, and how security strategies are formulated."¹⁰²

⁹⁹ Ibid.

¹⁰⁰ Ibid., p. 38.

¹⁰¹ Ibid., p. 39.

¹⁰² Joo, pp. 59.

As a general conclusion: "institutional settings and resources provide the constraints but also the opportunities, and it is up to the actors involved to utilize, exploit, or avoid them"¹⁰³.

C. SENIOR MILITARY LEADERS IN THE POLITICAL DECISION-MAKING PROCESS

Different democratic countries have developed various force structures, and these structures are subject to constant development. "In democracy, where civilian supremacy is to prevail in defense and military matters, firm constitutional guarantees protect the state - and also the armed forces - from two types of potential dangers: from politicians who have military ambitions, or who would like to use or misuse the military to attain political goals, and from serving military men with political ambitions."¹⁰⁴

Objective civilian control over the military keeps both sides from these potential dangers. Civil-military relations themselves presuppose the existence of two sides: civilian and military. If both sides are decentralized the probability for military intervention into politics or political intervention into professional military matters is very low. As it has been stated above, proper constitutional and institutional structures are to ensure the military's proper role in the society.

If one assumes a situation in which the military is highly centralized, and one of the political players possesses increased centralization of authority over the military, the possibility of misusing the armed forces increases. Since the constitutional and legislative structures can prevent the danger on the civilian side, the civilian authority must create a proper command structure of the military through which high level centralization of the services can be avoided.

In the political decision-making process direct military involvement is undesirable. However, the military may come into the picture in selecting strategic missions for the armed forces and definitely will come into the picture in the decision-making process

¹⁰³ Agüero, p. 40.

¹⁰⁴ Joo, p. 5.

during the implementation of political decisions as the only professional side concerned. The objective of the civilian side is to involve the military in the whole decision-making process as late as possible, while the military side is trying to ensure the favorable outcome of all political decisions in military matters.

A widely accepted structure of the armed forces is the existence of separate services with a structure of Joint Chiefs of Staff. In the United States, this structure is further developed with the existing position of the Chairman of the Joint Chiefs of Staff. The reason for this is that separate services cannot wage wars independently, joint military operations are at the forefront of modern warfare, which was clearly demonstrated in the operations during W.W.II. "Separate ground, sea, and air warfare is gone forever, said President Eisenhower. If ever again we should be involved in war, we will fight it in all elements, with all services, in one single concentrated effort."¹⁰⁵ So, the roots of this approach and structures go back to at least the late-1950s. The organization of the Joint Chiefs of Staff, however, does not presuppose unconditional agreement and consensus among the services. "Their achievements had been great; but there had been failures, too, and the weakness of the group was that, despite himself, each member had been caught by fears and ambitions of service prestige and made advocate of special, instead of national, interests."¹⁰⁶

Should a case occur when the Joint Chiefs of Staff create a highly professional joint military force capable of overthrowing the country's civilian leadership, the whole democratic regime would be in serious danger. This is a situation the civilian side wants to avoid. At the same time, it is a natural reaction of the civilians in civil-military relations to try to avoid direct interaction with the services' Chiefs of Staff representing real and unfiltered military needs. It is a much more preferable solution for civilians to create the organization of Joint Chiefs of Staff, in which separate services have to arrive at common decisions on all issues presented to higher civilian levels. The probability of a balanced

¹⁰⁵ "President Dwight D. Eisenhower's Message to Congress of April 3, 1958", The Department of Defense: Documents on Establishment and Organization, 1944-1978, Washington: Government Printing Office, 1978, p. 149.

¹⁰⁶ William Frye, Marshall, Citizen Soldier, Indianapolis: Bobbs-Merrill, 1947, p. 67.

outcome is much higher than in the case when separate services could promote their own interests.

The role of the Chairman of the Joint Chiefs of Staff is very unique, although, according to the law, the Chairman is one among equals within the Joint Chiefs of Staff. One must consider this appointment as one more guarantee for avoiding sharp confrontation between the military and civilian sides. Though the Chairman is one among equals, he is different from the Joint Chiefs in important ways.¹⁰⁷ Since he is the senior military officer, he represents the regular military link to the Secretary of Defense, the President, and the National Security Council. He is the only serviceman who testifies before Congress on defense issues. Another important aspect of his assignment is that he has no service responsibility, thus he can treat interservice issues strictly and fairly and he can advise on the resolution of interservice differences, being at the same time both outsider and insider of all military issues. He can and must stay neutral regardless of his service assignments in the past and his service affiliation.

By the provisions of the Goldwater-Nichols Act of 1986, which intended to improve the advice to civilian leadership among others, the Chairman is authorized to formulate military advice without consulting the other members of the Joint Chiefs of Staff by permitting him to consult them as he considers appropriate.

One should argue that in fulfilling his assignment, the Chairman's activity involves both professional and political aspects. It depends on the personality of the Chairman as to how he can find the balance between these two areas or how the focus of his activity can be shifted to one or the other direction, but most probably toward political decision-making. Given the objective circumstances, the Chairman has to work under the requirements of timeliness and security, he has deal with sensitive issues. 'Many of these not only involve complex military factors, but become inextricably interwoven with political factors. They often touch on matters so sensitive that the chairman will not risk revealing them to a group as large as the joint staff, particularly with its routine involvement of the service

¹⁰⁷ Chairman's Special Study Group, "The JCS - Views of Participants". In Reorganizing America's Defense, Leadership in War and Peace, edited by Robert J. Art, Vincent Davis, Samuel P. Huntington, New York; Pergamon Press Inc., 1985, p. 276.

staffs in its preparations of joint positions.”¹⁰⁸ Therefore, in dealing with issues which have definite consequences in the political decision-making process, the Chairman simply can not ignore considering the political aspects of his advice, he has to weigh to the certain extent the political factors as well. In this way, the human factor, and first of all the sense of responsibility, in preparing political decisions is in the focus in the chairman’s activity.

D. CONCLUSIONS

The transitional process to democracy has to address different political and societal issues. When the change of the regime involves the establishment of democracy the fate of the military is of utmost importance, because soldiers might well demonstrate the strongest resistance to democratic changes. The armed forces will try to preserve as many prerogatives obtained under the previous regime as possible. They will not voluntarily give up any of them. Moreover, they will try to find an ally in the political system who can guarantee these advantages in the future. In the military establishment the high ranking officials potentially have the most to lose, that is why they constantly strive for political support. The head of the professional military is a key person in this play since he has access to both sides in the interaction between the military and the civilian side.

In the bargaining process it is up to the civilians to what extent they can convince the military about the necessity of objective civilian control over the armed forces. Taking an active approach in formulating constitutional and institutional provisions the civilian side can create favorable conditions for developing productive civil-military relations, which might serve as a guarantee for the success of democratic transition and consolidation. Besides, interagency processes should be improved.

In countries where the establishment of civil-military relations is a new challenge for the entire society, double responsibility rests on each citizen because the success or failure in doing so will determine the strategic outcomes of democratic societies.

It is evident, that “the first institutionalized postauthoritarian political arrangement, then, becomes a factor in itself by shaping the institutions that differentially empower the

¹⁰⁸ Ibid., p. 277.

civilians and the military for the ensuring process, within which attempts to attain civilian supremacy and democratic consolidation will take place”¹⁰⁹. “An important effect of initial conditions on the post transition process is that they unevenly empower political actors in their attempts to change or maintain the contours of the first, inaugural postauthoritarian arrangement.”¹¹⁰ However, initial conditions vary country by country.

As the case of Hungary shows, the problems between civilians and the military were settled in a peaceful way, with the military fully accepting civilian supremacy in the transition period and after that. For Hungary the constitutional arrangements constituted and continue to constitute a challenge in solving the political disputes on the domination over the armed forces. “In the future more attention should be focused on specific arrangements of democratic defense management, in other words how the ministry of defense is organized, how relationship between Parliament, the MOD and the High Command are developed, how defense budget is worked out, and how security strategies are formulated.”¹¹¹

¹⁰⁹ Agüero, p. 38.

¹¹⁰ *Ibid.*, p. 39.

¹¹¹ Joo, pp. 59.

III. THE EVOLUTION OF THE CENTRAL U.S. DEFENSE MANAGEMENT

"The United States was born in an act of violence. The political Declaration of Independence was not to come for another year and more; but it was the yokels at Concord Bridge who forced the issue, and if they had not applied their trigger fingers to their flintlock muskets on that April day it might never have come at all."¹¹²

Due to this revolutionary beginning of statecraft considerable attention should be given to the military factor in the establishment and development of the American institutions.¹¹³ Briefly it means that the United States military history constitutes an integral part of American history and it can be put in its broader context without its exaggeration.

The direct link between military history and history in general of a given country does not have to be proved. The difference among various countries might be perceived on the basis how significantly shaped the military history the historical evolution of a particular nation. Allan R. Millett and Peter Maslowski suggest that "six major themes place United States military history within the broad context of American history"¹¹⁴. A short overview of these themes might be justified in relation to any country, even though some of them exclusively relate to the United States, while the rest is of general consideration. Doing so, it can promote the understanding of the basic characteristics of the central U.S. defense management.

The first theme is that "rational military considerations alone have rarely shaped military policies and programs. The political system and societal values have imposed constraints on defense matters."¹¹⁵ Different inherent trends in the society, such as private gain, a reluctance to pay taxes, a distaste for military service, and a fear of large standing forces have imposed limitations on financial and human resources, allocated for the military. This theme is relevant to any society.

¹¹² Walter Millis, Arms and Men, A Study in American Military History, New York: Van Rees Press, 1956, p. 13.

¹¹³ *Ibid.*, pp. 13-14.

¹¹⁴ Allan R. Millett and Peter Maslowski, For the Common Defense, A Military History of the United States of America, New York: The Free Press, 1994, p. xii

¹¹⁵ *Ibid.*

"Second, American defense policy has traditionally been built upon pluralistic military institutions, most noticeably a mixed force of professionals and citizen soldiers."¹¹⁶ This is mostly an American tendency, which reflects the diverse attitude of the society to state-sponsored force in the nation's life.

"Third, despite the popular belief that the United States has generally been unprepared for war, policy -makers have done remarkably well in preserving the nation's security."¹¹⁷ There are certain principles, which are to promote U.S. security, such as keeping geographic distance from potential enemies, the European balance of power, and vast mobilization potential. Another issue is based upon the requirements for mobilization. There are two possible solutions, a) devoting resources to internal development, and then after the outbreak of war quick mobilization of resources, and b) maintaining a large and expensive peacetime military. Democracies have other priorities in peace, such as commerce and consolidation, thus preparations for war are regarded as a waste. However, due to global responsibilities the United States found the solution somewhere in between the two proposed solution.

"Fourth, the nation's firm commitment to civilian control of military policy requires careful attention to civil-military relations."¹¹⁸ This domain is of great significance to understand defense reorganization acts, especially in the second half of the 20th century, because this commitment to civilian control makes military policy an important function of the federal government, where the executive branch and Congress vie to shape policy.

"Fifth, the armed forces have become progressively more nationalized and professionalized."¹¹⁹ This is another vital aspect, because the professionalization of the officer corps has had crucial consequences for the conduct of military affairs, shaping civil-military relations, since career officers in the national service occupy high command positions. These are the positions, from which the professional military can influence political decision-making.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

‘Finally, ... , industrialization has shaped the way the nation has fought.’¹²⁰ ‘This dependence upon industry and technology in executing military policy has placed enormous burdens on career officers and defense industry complex.’¹²¹ This last theme is most relevant to the United States, but should be taken into account with the technical development of industry in other countries as well.

The understanding of these themes and their applications is helpful in tracing the development of the U.S. defense establishment. On the other hand, from studying the United States case is beneficial to any country, even though there are certain themes, which are relevant only to the United States due historical binding conditions. Nevertheless, there are other issues, which will be relevant to particular countries after they reach a definite level of democratic development and will have to face the same problems, the United States did a hundred, fifty, or even ten years ago. The U.S. case should be more relevant to Hungary, because the country has chosen the American model to structure its standing military force.

A. PRINCIPLES OF SERVICE SEPARATISM UNTIL THE NATIONAL SECURITY ACT OF 1947

‘[T]he American military establishment embodies a tradition of service separatism, one that has been renewed and reinforced by patterns and paradigms of thought that stress the decisive effect of military force on the land, at sea, or in the air.’¹²² The basis for service separation was laid down by the Constitution of the United States of America in the late 18th century. The Constitution describes the Congress’s powers (including the power ‘To make all Laws ... necessary and proper to carrying into Execution the foregoing Powers’), among which eleven related explicitly to security. The provisions concerning the services are as follows:

¹²⁰ Ibid., p. xiii

¹²¹ Ibid.

¹²² C. Kenneth Allard, Command, Control and the Common Defense, Binghamton, N.Y.: Vail-Ballou Press, 1990, p. 7.

"To raise and support Armies, but no Appropriation of money to that Use shall be for a longer term than two years,"¹²³ and

"To provide and maintain a Navy,"¹²⁴

"Although these traditions, the natural result of historical circumstance and political choice, have on the whole served the nation well, they inevitably complicate the problem of command and control in an age of global missions and technological uncertainty."¹²⁵ In the 18th and 19th centuries both services had similar mission objectives; to defend the continental area of the United States. "The Navy's customary functions had always included protection of American maritime interests in peacetime and defense of the nation's harbors and coasts during war; ..."¹²⁶

In 1890, Alfred Thayer Mahan's book, *Philosophy of Sea Power* was published in which he presented his philosophy. "This philosophy was compounded from two distinct, if related theories. One was a theory of national prosperity and destiny founded upon a program of mercantilistic imperialism. The other was purely and simply a theory of naval strategy and defense."¹²⁷ Mahan restated "the capital -ship theory in a clear and forceful manner at a moment when conditions were unusually propitious for its formal adoption as the basic doctrine of American naval policy"¹²⁸.

The strategic vision of Alfred Thayer Mahan concerning the US Navy significantly altered the role of the Navy and gave new doctrines as both descriptive and prescriptive instruments around which to accomplish a major change in naval policy. Consequently, to the "traditional" tasks of the Navy one more mission was added, the third mission - the projection of American power.¹²⁹ This change in the role of Navy led to a division of supporters of the two services and more significance was attached to the Navy. The Navy had a strong lobby in the Congress, which aimed at the appropriation of necessary funds sometimes to the detriment of the Army. "For the first time since 1875, a Republican

¹²³ The Constitution of the United States of America

¹²⁴ Ibid.

¹²⁵ Allard, p. 7.

¹²⁶ Ibid., p. 65.

¹²⁷ Harold and Margaret Sprout, The Rise of American Naval Power 1776-1918, Annapolis, Maryland: Naval Institute Press, 1966, p. 203.

¹²⁸ Ibid., p. 205.

¹²⁹ Allard, p. 65.

administration had clear Republican majorities in both branches of Congress. And if the Republican majority in the House was rather slender, it was under the firm hand of the new speaker, Thomas B. Reed of Maine, a consistent, if unostentatious, advocate of naval expansion."¹³⁰

Unless separate services are able to accomplish the missions assigned to the without intervening into each other fields of competence and resources there is a possibility to manage them isolated one from the other. Nevertheless, to provide necessary financial resources remains a matter of choice based on preferences and perceptions. However, if the operational tasks require efforts from each of the services the question of command and control, unified civilian control comes to the forefront. The appearance of a new service, for example the air force, can further deepen interservice rivalry and the problems associated with management of the armed forces and implementation of joint operations.

'Major efforts to reorganize the US military establishment have recurred throughout American history, especially since the late nineteenth century.'¹³¹ Vincent Davis explains these efforts mainly on the basis of several circumstances such as: the gradually expanding international role of the United States; the accelerated pace of scientific and technological advances, which dictated new strategies, tactics and doctrine leading to the necessity of new organizational modes; and the fact that "the military establishment was frequently a target of more general governmental reform movements that arose from time to time and that were driven by typically American desires for more efficiency in government, for the elimination of waste and duplication, and for appeals for greater fairness"¹³².

These circumstances have been supplemented by other factors of more immediate nature with direct consequences. One of these factors is the inequality between the urgent need to deploy American forces, comprising all services, and the growing external threat. Suddenly changing international environment between 1898 and 1940 could deny the

¹³⁰ Harold and Margaret Sprout, p. 206.

¹³¹ Davis, p. 149.

¹³² Ibid.

effective deployment of combat ready forces from the United States. Another factor is that after the transition from wartime conditions to peacetime conditions the management structures used in war were not adequate to peacetime requirements.¹³³ Good examples are the events in 1898, before the Spanish -American War or after W.W.I in 1919. It can be easily explained by the willingness of the state to provide the necessary defense at the least possible cost and to put peacetime values ahead of those of wartime after the termination of military operations in the field. As it can be seen on the example of the United States, major military reorganizations have taken place in response to anxieties and criticisms generated shortly before and after war involvement.¹³⁴ One immediate conclusion can be made on the US case; namely, that whenever the circumstances, shaped by the security environment change the military establishment and its management had to be changed as well.

In peacetime civilian political decision-makers are inclined to underestimate the necessity for maintaining a credible military force. On the other hand, military perception dictates a higher level of military security based on the differences in threat perceptions and inherent opposition in the military against downsizing.

‘Regardless of the circumstances that have led to change, America’s military reorganizations have achieved considerably less than their reformers have hoped for.’¹³⁵ This fact is due to the reality that most of the parties involved in defense reorganizations have had hidden agendas, especially the military leaders seeking special benefits for their separate services. In the case of the United States’ armed forces the Air Force and the Army have been more prone and committed to changes, while the Navy and the Marines have expressed contradicting arguments. These latter two services are more of the advocates of service separatism and hoping for more gains and benefits from separately represented service interests.

‘American military reorganization suggests that not much is likely to happen unless a newly elected or re-elected president is determined to invest a considerable amount of

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid., p. 150.

political capital in these efforts during the typical honeymoon period following inauguration."¹³⁶ This observation vindicates the latent political interaction between the military and civilian sides, based on mutual interests. One would argue however, that jointness is the enemy of such political, mutually beneficial relationship. When separate services have to bare in mind joint requirements, first of all they are not so well off with their own interests. As one shall see in the next chapter the 1986 Goldwater-Nichols Department of Defense Reorganization Act is a watershed in these endeavors.

The basic intention of all defense reorganizations which took place in the last century was centralization.¹³⁷ Centralization generally means the creation of a new level of authority in the organizational hierarchy that reduces the autonomy of the levels below it. In the 20th century first practical step aiming at defense management reorganization was taken after the victorious Spanish-American War in 1898-1899, which witnessed numerous operational shortcomings.¹³⁸ To achieve greater cohesion and coordination within the two armed services, the Navy general board was created in 1900, and the general staff system was introduced in the Army in 1903.¹³⁹ Additionally, to achieve greater coordination between the services the Army-Navy board was also created in 1903 and functioned as a predecessor of the Joint Chiefs of Staff system, which only emerged fully four decades later.

The next test of military structures occurred in the period of W.W.I . In order to bring the Navy structure more similar with the General Staff system of the Army the Congress established the office of the chief of naval operations (CNO) in 1915. In the same period, in 1916, President Wilson called the council of national defense into existence, thus trying to achieve the centralization of military matters at the highest civilian levels.¹⁴⁰ Regardless of this step, President Wilson left the war effort to military leadership.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ See Allard, p.70. and Davis, p. 151.

¹⁴⁰ Davis, p. 151.

The National Defense Act of 1916 was a product of two trends dominating the military thinking at the turn of the 20th century, whether the United States should possess a professional army, or a citizen-soldier army, or the mix of the two. "[T]he new law was not really so much less than the Continental Army plan. It retained the National Guard as a principal military reserve It provided that the land forces of the United States should consists of four components: the regular army, ... the National Guard, ... a federal reserve consisting of officers drawn both from former regulars and from the graduates of the colleges' reserve officer training program and of discharged enlisted men, and a "Volunteer Army" to be raised only in time of war."¹⁴¹

"The National Defense Act of June 3, 1916, barely had time to function. When the United States went to war in the spring of 1917, the army underwent still another reorganization to form a three-part force: the regular army, the National Guard, and the National Army. And the new National Army would be raised by conscription."¹⁴² Even after so many reorganization the remained "whether a citizen army, prepared for war in time of peace, could match good European troops, or whether Emory Upton was right in contending it could not, had never been settled"¹⁴³.

Like the creation of the "treaty Navy" in 1919, the postwar reorganization of the nation's land forces blended the lessons of the world war and more traditional elements of the military policy. "The fundamental postwar legislation, the National Defense Act of 1920, created an 'Army of the United States', a force of many parts designed to mobilize and expand in wartime around a cadre of regulars and part-time soldiers."¹⁴⁴ Enacting this of legislation, the Congress rejected compulsory service as well as any appreciable increase in the standing forces. The law, nevertheless, refined the legislation of 1916 in useful ways and provided a more efficient basis for wartime mobilization than existed in 1917.¹⁴⁵

¹⁴¹ Leonard Wood, "The Inevitability of a Citizen Army". In Towards An American Army, Military Thought from Washington to Marshall, edited by Russell F. Weigley, New York: Columbia University Press, 1962, p. 219.

¹⁴² Ibid., pp. 219-220.

¹⁴³ Ibid., p. 222.

¹⁴⁴ Millett and Maslowski, p.384.

¹⁴⁵ Ibid.

"The Act cut the regular army proposed by General March nearly in half, and it substituted an avowed reliance on a citizen soldiery. The regular army of 280,000 was to be organized not on the expansible plan but as an expeditionary force and a guardian of the outlying territories. The wartime army was to be built principally on the National Guard, now brought under more federal supervision, at the larger Organized Reserves, the counterpart of the National Army of 1917."¹⁴⁶

"In 1938 President Roosevelt created the first civilian-military group assigned to undertake military planning at the highest level of government."¹⁴⁷ The so called Standing Liaison Committee did not succeed in its work until the President, similarly to President Wilson vested the major tasks of military planning in the uniformed personnel, at the same time exercising direct control over this activity. Drawing lessons from the mobilization during W.W.I, a higher level of efficiency was achieved. But military involvement in economic processes represented a violation of the rules of capitalist economy. In this way the nations interests in case of another involvement in war contradicted to the expectation of the American economic system.

"During the 1920's, the Assistant Secretary of War and his associates started to formulate plans for industrial mobilization."¹⁴⁸ The need for planning industrial mobilization was advocated by those persons who were involved in industrial mobilization in W.W.I. In the following years mainly the uniformed military was tasked with planning functions, and according to the then legislation the President was authorized to control and utilize national resources during wartime.¹⁴⁹ The first mobilization plan came out in 1930, and was consequently revised four times, in 1930-31, 1933, 1936, and 1939. The 1930-31, 1933 and 1936 Industrial Mobilization Plans were basically similar in their approach to the concept of superagencies.¹⁵⁰ These agencies were to be created in the

¹⁴⁶ John McAuley Palmer and George C. Marshall, "Universal Military Training". In Towards An American Army, Military Thought from Washington to Marshall, edited by Russell F. Weigley, New York: Columbia University Press, 1962, pp. 239-240.

¹⁴⁷ Davis, p. 151.

¹⁴⁸ Albert A. Blum, "Birth and Death of the M-Day Plan". In Case Book of American Civil-Military Relations, edited by Harold Stein, Montgomery, Alabama: University of Alabama, 1963, p. 65.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid., p. 66.

event of war, because "the planners consistently held the belief that the regular departments and agencies were not suited for new and arduous wartime task"¹⁵¹.

The first three amended plans "lacked a coordinating head and depended entirely upon the President, who will be too busy to coordinate our industrial effort"¹⁵². The 1939 Plan was different from the previous ones, because it contemplated the creation of a War Resources Administration, which was to coordinate the activities of the superagencies.¹⁵³ The 1939 Plan also more clearly envisioned the problems attendant upon a gradual transition into war.¹⁵⁴

During WW II due to changing operational concepts and changing sizes, new command structures were introduced to assure the uniformed establishment, the fighting forces themselves, as well as the authority to command the forces through the creation of the dual office of Commander-in-Chief, in the Navy. The command system in the Army practically remained unchanged. "The formal chain of command in effect during World War II was essentially the same as it had been before: the president acting as commander in chief, transmitted orders through the secretaries of the War and Navy departments for execution by the chief of staff of the Army and the chief of naval operations, respectively."¹⁵⁵ In addition to these changes the most significant structure to emerge in W.W.II was the office of the Joint Chiefs of Staff (JCS).¹⁵⁶ This body replaced the Joint Board and provided the focal point for interservice planning and operations. The Joint Chiefs of Staff had dual function during war operations. First, it was the agency for American representation in Allied councils of war, and second, embodied the supreme command of all American forces. There was an attempt by President Roosevelt in 1944 to find the best formation of governmental and military machinery for the postwar era and set the stage for the interaction of these bodies.¹⁵⁷ He initiated the State-War-Navy Coordinating Committee. Nevertheless, this body did not prove to be a viable

¹⁵¹ Ibid., p. 65.

¹⁵² Ibid., p. 73.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Allard, p. 103.

¹⁵⁶ Ibid.

¹⁵⁷ Davis, p. 152.

organization, since the participating military entities, the armed services pursued different interests between themselves and between the state in the course of W.W.II.

"The search for the ideal military U.S. military establishment in the immediate aftermath of W.W.II was inevitably a tortured process."¹⁵⁸ The military establishment had to be readjusted, however, there were many questions unanswered ahead, such as the new challenges, threats and opportunities, but first of all "who is the enemy". On the other hand most Americans wanted to return to peacetime normalcy, which put additional pressure on legislation and military planners.¹⁵⁹

B. THE STRUGGLE FOR UNIFICATION UNTIL THE END OF THE McNAMARA ERA

After the victory of allied forces in WW II, the United States was more than ever in a quest for a durable central defense management system. "[T]he most acrimonious issues revolved primary around the question of whether to reorganize the separate services under some type of new centralizing umbrella structure, and reduce service autonomy in the process."¹⁶⁰ This endeavor was further complicated by the necessity to find a perfect role and place for aviation units spread through the services. The debate on unification of the armed forces started in 1943 and ended with the eventual result; the enactment of the National Security Act of 1947. "For almost two years (1945-1947) two coalitions of defense reorganizers battled until Truman and Congress, exhausted by the struggle and anxious about Russia, forged the National Security Act of 1947, the fundamental legislation of postwar organization. In the balance, the law represented a Navy victory."¹⁶¹

Defense experts claim that the National Security Act of 1947 was the most significant piece of defense legislation in the modern history of US military establishment. "The National Security Act major provisions included:

- The establishment of a cabinet-level Department of National Defense, which two years later became the Department of Defense (DOD)

¹⁵⁸ Ibid., p. 151.

¹⁵⁹ Ibid., pp. 151-152.

¹⁶⁰ Ibid., p. 152.

¹⁶¹ Millett and Maslowski, p. 503.

- The creation of the United States Air Force
- With the 1949 amendments to the act, the elimination of the War and Navy departments as cabinet-level agencies, their subordination to a common secretary, and their reduction to a coordinate status now shared with the Air Force
- The delineation of the principal functions of each of the armed services
- The legislative recognition of the Joint Chiefs of Staff, who were to coordinate, but not command, the armed forces
- The establishment of the Central Intelligence Agency and the National Security Council¹⁶²

Comparing the armed services, the U.S. Air Force was the major beneficiary because it achieved its desired goal, to become a separate service. The other three services retained equivalent degrees of autonomy, both the Navy and Marines kept their aviation units.¹⁶³

The historical struggle for independent air service, led at that time by Brigadier General B. G. Mitchell, goes back to W.W.I. "The airplane challenged traditional definitions of Army and Navy doctrine and functions and stimulated complex patterns of interservice cooperation and conflict. It also set off sharp internal power struggles with both the Army and Navy, consumed scarce personnel and funds that otherwise would have gone to the land army and service fleet"¹⁶⁴ Although, "[t]he War and Navy Departments did not ignore military aviation"¹⁶⁵, the Army-Navy Joint Board established in 1919 "rejected the radical notion (associated especially with Mitchell) that air power might win wars"¹⁶⁶. Instead of establishing independent air service, both the Army and Navy created separate air units within their respective services. In 1923 a special Congressional investigatory committee reviewed air policy, but did not find justification for severing air war from land campaigns or creating an independent air force. General

¹⁶² Allard., p. 112.

¹⁶³ Davis, p. 152.

¹⁶⁴ Millett and Maslowski, pp. 386-287.

¹⁶⁵ Ibid., p. 387.

¹⁶⁶ Ibid.

Mitchell who convicted the services for their ignorance lost his battle for independent air force and left the Army in 1926 rather than be suspended from duty.¹⁶⁷

The outstanding capabilities of the air force were demonstrated in W.W.II. Not only the incredible growth in number, but operational significance of the airplane forced the Army and Navy to realize the necessity for independent air force. "Army Field Service Regulation 100-20, issued on July 21, 1943, was a watershed in air power doctrine. It began with the statement that 'land power and air power are co-equal and independent forces; neither is an auxiliary of the other'."¹⁶⁸ The necessary command adjustment to operate the air forces independently were made and 'the system reached its highest stage of development during the Normandy invasion and the subsequent campaign for the liberation of Europe'¹⁶⁹. The Tactical Air Command, established in July 1944, provided smooth air and ground operations. The Germans confessed that '[t]he enemy air activity is terrific, and smothers almost every one of our movement'¹⁷⁰.

Although, the NSA of 1947 created the unified establishment much desired by reformers since the latter part of the 19th century, the troubling issues, however, of service autonomy were not resolved. According to Harry Howe Ransom's opinion; "since World War II, interservice rivalry has been the prime characteristic of the defense establishment. With all of the reorganizations since World War II ... the defense structure continues to resemble an alliance of semi-independent, sovereign units, often engaged in bitter jurisdictional warfare."¹⁷¹ "[T]he existence of 'characteristic' interservice rivalry was merely the outward manifestation of service autonomy that, although redirected by National Security Act of 1947, was by no means eliminated."¹⁷² The National Security Act represented the end of one battle, not the end of the war, it was a compromise between the services.

¹⁶⁷ Ibid., p. 390.

¹⁶⁸ Allard, p. 107.

¹⁶⁹ Ibid., p. 108.

¹⁷⁰ Ibid.

¹⁷¹ Harry Howe Ransom, "Department of Defense: Unity or Confederation?". In American Defense Policy, The Associates in Political Science, US Air Force Academy, Baltimore: John Hopkins Univ. Press, 1965, p. 180.

¹⁷² Allard, p. 112.

As a continuation of interservice rivalry, the late 1940s were still characterized by the conflict of roles and missions. In drafting the 1951 defense budget Louis Johnson, successor of Forrestal, delivered a deathblow at naval aviation by canceling the supercarrier project, cutting the active carrier force from eight to four, and reducing carrier air groups from fourteen to six. The answer of the Navy was "the revolt of the admirals"¹⁷³. In 1949 the Air Force and the partisans, both in uniform and mufti, used the Congress to conduct an erratic, bad-tempered review of defense policy and organizations. The actual result was an administration victory for its nuclear strategy and low defense budget.¹⁷⁴ The Navy's attempt to discredit the B-36 bomber program foundered. The Navy lost the battle against the Army and Air Force and the Secretary of Navy resigned in protest. Johnson removed Chief of Naval Operations Louis E. Denfeld retaliation for the CNO's aggressive political offensive against the B-36. "The revolt of the admirals" contributed to a consensus, that the military establishment needed an overhaul, and the power of the Secretary of Defense need to be strengthened.¹⁷⁵

The leading principle of defense reorganization - centralization - promoted general unification of the defense establishment, but on the other hand as a non-voluntary move on behalf of the services created centers for institutional resistance.¹⁷⁶ So, the law of 1947 marked the beginning of an institutional struggle between the civilian and the military sides. The law of 1947 was amended three times, in 1949, 1953 and 1958. "These changes were aimed primarily at strengthening the centralized entities on the civilian side of the Pentagon, starting with the creation of the department of defense (DOD) itself in the 1949 amendments, the provisions for an expanded bureaucracy within the office of the secretary of defense (OSD) to support the secretary (SECDEF), and a set of substantially greater authorities entrusted to the SECDEF in the 1958 amendments."¹⁷⁷ The then incumbent SECDEF Gates started to exercise the power provided by this legislation, but his successor Secretary McNamara fully exploited it.¹⁷⁸

¹⁷³ Millett and Maslowski, p. 504.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid., pp. 504-505.

¹⁷⁶ Davis, p. 153.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

What concerns the development of events on the military professional side, it can be said that the period between the late 1940s and early 1960s witnessed a gradual decrease in military professionalism by downgrading the separate services and adding little support to the relatively weak Joint Chief of Staff mechanism.¹⁷⁹ In addition, the service secretaries were removed from cabinet status by the mid-1960s thus losing the influence on political decision-making and budget appropriation.¹⁸⁰ They became a guarantee for implementing political decisions on the level of the separate services. Accordingly, in this period the key players in political decision-making came to existence, but the military who may have some influence on these political decisions was overwhelmed by the civilian side.

The Korean War, which started in June 1950 showed the deficiencies of the political decision-making system under crisis conditions. First of all, it was the struggle about the definition of strategy, missions of the services, nuclear weapons and the consequences of their possible use, in case they really can serve strategic ideas. The Korean War, which was a limited war of a new type, showed the controversy between political and military objectives associated with limited warfare. US military professionalism was not sufficient to deal fully with limited war. The price for American unpreparedness to fight a less than total war was a strategic improvisation.

"The Korean War demonstrated rather convincingly, however, that despite the fact that the principle of civilian control is enshrined in the Constitution, enacted in legislative statutes, and reflected in the administrative organization of the federal government, civilian supremacy can not be guaranteed by these formal and legalistic supremacy alone."¹⁸¹

One of the prerequisites for a smoothly functioning political decision-making system is the existence of a real and feasible political strategy. In the absence of this strategy the civil-military relations are rather ambiguous, in which civilians are stubbornly insisting on their supremacy in defining strategic objectives, and the military side is missing the political reference point it would adjust his military professional skills. Similar scenario was demonstrated in the "missile gap" era under President Eisenhower.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ John W. Spanier, The Truman-MacArthur Controversy and the Korean War, New York: W. W. Norton & Company, 1965, p. 3.

"The United States nuclear policy-making during the missile gap period has concentrated on four policy areas: threat assessment, national and nuclear strategy, defense budgeting, and force planning."¹⁸² Presidential power varies across these policy areas due to three variables, a.) the constitutional distribution of power in the policy arena between the President and Congress, which increases the requirements and opportunities for bargaining; b.) the complexity of the issue, because complex issues may encourage the president's dependence on others for special expertise, technical information or analysis; c.) the degree to which presidents depend on others to implement their policies faithfully, since the nature of the decision and the type of behavior desired can either aggravate or mitigate problems.¹⁸³

The national strategy making was concentrated in the National Security Council and was dominated by Eisenhower. Given the nature that the nuclear strategy was not subjected to congressional examination, Eisenhower in formulating nuclear strategy depended on specialized analyses of nuclear warfare by the armed services. The military's resistance to production of the information ultimately obstructed and delayed nuclear strategy decision-making throughout 1958 and 1959.¹⁸⁴ "Thus, nuclear strategy is a classic example of presidential power in foreign policy making: freedom from congressional restraints but dependence on the bureaucracy for information critical for making decisions, and for faithful implementation."¹⁸⁵ So, this is a clear evidence that the military *de facto* capable of influencing political decisions based on its special expertise in threat assessment and expertise on weapon systems of strategic importance. Another phenomenon dominating this event is the presidential role in political decision-making, which proved to be crucial in the following two decades.

With the enactment of the 1958 amendments the secretary of defense by gaining more power became the direct superior of the unified and specified commanders. At the same time the service chiefs 'were reduced to being the 'providers and maintainers' of

¹⁸² Peter J. Roman, Eisenhower and the Missile Gap, London: Cornwell University Press, 1995. p. 200.

¹⁸³ Ibid., p. 201.

¹⁸⁴ Ibid., p. 202.

¹⁸⁵ Ibid.

those forces”¹⁸⁶. The unified and specified commanders were fully isolated from policy formation, they were responsible for the implementation of political decisions. However, the JCS, on request, could give advice to decision-makers. Thus, the primary intent born at the time when the National Security Act of 1947 was passed; namely, that those responsible for carrying out a policy should have a voice in framing it, lost its ground.¹⁸⁷

Civilian decision-makers define the policy first, than the type of the mission necessary for policy implementation. Than, once the mission is articulated the human and material resources need to be appropriated. That means that the military wants personal strength and weapon system to fight with. Even if the military is loosing influence on the political decision-making process it is inherently trying to keep the prerogatives to justify the necessary amount of money to buy the military hardware which are on its wish list. So, this is the very last domain the military does not want to give up.

However, after Secretary of Defense McNamara occupied his office, he still believed that the military budget was largely administered by the services.¹⁸⁸ “One of the most important aspects of service autonomy continued to be the effective control of the Army, the Navy and the Air Force exercised over their budgets and programs.”¹⁸⁹ Relying on the power provided by the 1958 amendments to the National Security Act McNamara gradually started to exercise total control over budget related issues. First, he scrutinized the defense budget or forced critical cuts on selected programs, than he introduced the planning, programming, and budgeting system (PPBS), thus gaining full control over defense policy. “McNamara demanded that defense budgets be organized by functions like strategic deterrence rather than ‘inputs’ like manpower procurement.”¹⁹⁰ With the introduction of the PPBS system Secretary McNamara recast the budget process, and made it easier for his analysts to apply system analysis based on “cost effectiveness”

¹⁸⁶ Allard, p. 128.

¹⁸⁷ Ibid., pp. 128-129.

¹⁸⁸ Ibid., p. 129.

¹⁸⁹ Ibid.

¹⁹⁰ Millett and Maslowski, p. 554.

calculations, or the predicted increase in military capability for different levels of investment.¹⁹¹

‘McNamara’s ‘revolution’ in the Pentagon gave the strategy of ‘Flexible Response’ a life that outlived Kennedy, for it brought such disarray to the armed forces and Congress that it took another war and a decade of learning and political infighting to devalue its assumptions.”¹⁹² ‘In practice, OSD, in collaboration with the NSC staff, challenged the State Department as the primary agency in determining American Policy whenever that policy appeared to have military significance.”¹⁹³ ‘There was no question that the OSD civilian hierarchy gained new bureaucratic strength, and it is largely correct that the overall JCS apparatus, in comparison to the growing clout on the civilian side within the OSD, remained generally weak and ineffective.”¹⁹⁴

But despite these harsh legislative measures, the military chose the tactics of silent resistance and never surrendered to McNamara. The military services manifested their grievances toward the end of McNamara era (1967-1968), when he lost credibility because of the Vietnam War.¹⁹⁵ Another evidence of the military’s unwillingness to accept these reforms is given by C. Kenneth Allard, who states ‘However much secretaries of defense such as Robert McNamara scrutinized the defense budget or forced critical cuts on selected programs, the bottom line always was that it was the generals and admirals who not only drew up the basic document but defended and justified it throughout each phase of congressional appropriations process”¹⁹⁶.

C. DEFICIENCIES IN POLITICAL DECISION-MAKING UNTIL 1980

The period starting with 1967 till the middle of the 1970s is marked by a shift in political decision-making. Among the three major players (the President, the SECDEF, and the Chairman of JCS) there was a change in influencing or virtually making political decisions to the favor of the President. This can be explained with the vast personal

¹⁹¹ Ibid., p. 555.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ David, p. 154.

¹⁹⁵ Ibid.

¹⁹⁶ Allard, p. 129.

involvement of the President in determining policy objectives especially in the light of the Vietnam War, largely backed up by the communist world on the other side. As the practice shows when issues of strategy are at stake it is the President who has to take personal responsibility. It can lead to biases and subjectivity in formulating strategic objectives, and consequently unstable objectives can cause imbalance in the national military strategy as well. "At no time since 1950 had international developments been more out of balance with American military capability."¹⁹⁷ The political accommodation of the Vietnam War designed by the Nixon administration turned into an avalanche of defense policy changes.¹⁹⁸

At the same time, on the defense establishment's side the changes brought Melvin Laird to the OSD. He explicitly reversed McNamara's denigration of professional military influence, although defense experts claim, that Laird's publicized decentralization back toward stronger roles for the high-ranking military leaders was considerably less than he announced.¹⁹⁹ Even so, the military's voice of dissatisfaction was a continuing phenomenon from the later 1960s until it reached a new zenith in Secretary Weinberger's tenure under the administration of Ronald Reagan. "The professional officers sometimes used the JCS mechanism as their chosen instrument in asserting their positions, creating the mistaken impression that the JCS itself was gaining a stronger voice. In fact, it was ordinarily the separate services speaking through the JCS microphone."²⁰⁰

"The Nixon administration and Congress created a fog of distrust and recrimination that contributed to the decline of military security."²⁰¹ President Nixon delegated much of his presidential authority to Henry A. Kissinger, his assistant for national security policy, who used this authority "to dominate all the important intergovernmental committees created by his NSC staff and then became the Secretary of State as well"²⁰². Henry Kissinger ignored his counterparts in OSD and did nothing to improve relations with the Congress, believed that through personal and tactful diplomacy

¹⁹⁷ Millet and Maslowski, p. 594.

¹⁹⁸ Ibid.

¹⁹⁹ Davis, p. 154.

²⁰⁰ Ibid.

²⁰¹ Millett and Maslowski, p. 594.

²⁰² Ibid.

he was able to manage ambiguous defense policy developments. 'Most importantly, Kissinger accepted what he believed to be an inevitable decline of American strength, which could only be moderated by clever personal diplomacy.'²⁰³

Nevertheless, one can assume that some functional deficiencies exist in national security policy-making in this situation if one individual can dominate the policy-making process, regardless of his outstanding personal qualities. The danger of uncontrolled subjectivity should always be restricted if not excluded from security policy issues.

After the resignation of President Nixon in 1974, the new President Gerald Ford, inherited an unstable presidency and defense policy. And what concerns national military strategy, '[T]he decline of American power reflected public dismay over strategic deterrence...'²⁰⁴

Another indicator of the state of uncertainty in defense policy matters was the fact, that under President Nixon and Ford four different Secretaries of Defense were appointed. After all these failures the disillusioned legislation asserted its influence on national security policy by exercising its 'power of the purse'. When White House agreed to hold defense spending at a permanent level, the Congress actually approved a 37 percent decline in military spending in 1968-1974.²⁰⁵ Moreover, the Congress by enacting the Budget and Impoundment Control Act in 1974, and the War Powers Act in 1973 further weakened presidential authority to manage federal spending and troop deployment abroad.²⁰⁶ Standing committees concerned with foreign policy intervened more often in military policy. Ultimately it led to the situation, in which the military services whether united through the JCS mechanism or representing separate service interests had almost no voice and influence in formulating defense and security policy objectives.

'Within the volatile political environment, the Nixon administration gave special attention to shoring up nuclear strategic stability with the Soviet Union through force modernization and arms control agreements.'²⁰⁷ It was absolutely necessary, because the

²⁰³ Ibid.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ Ibid., p. 595.

²⁰⁷ Ibid.

strategic balance between the U.S. and the Soviet Union after the implementation of new Soviet nuclear programs was worrisome. The Nixon administration tried to cap the nuclear arms competition with the Soviet Union with two treaties signed in May 1972, however, the treaties did nothing more than provided a temporary modification of the arms competition.

The important incentives for the right security strategy derived from the development of nuclear warfare. While "[t]he 1950s were a decade of strategic thought; the 1960s proved to be a decade of military action with relatively little strategic writing"²⁰⁸, 'the nuclear age had worked upon the idea of military strategy by arguing that since the nuclear weapons had made the destruction of the enemy too literally possible, the principal aim of strategy had shifted from destroying the enemy to hurting him, enough to coerce him.'²⁰⁹

The objective circumstances, such as overwhelming threat from the Soviet Union, dramatic change in manpower policy between 1971-1973, and shrinking defense budget has almost diminished the military influence on decision-making. The most significant reason for that is of course the reduced defense budget for the armed forces. At this time all the resources had to be directed for nuclear attack and defense capabilities, since the Soviet Union was ahead in the nuclear arms race. The necessity for unity of effort temporarily vanished interservice rivalry. The other reasons with heavy financial consequences derived from the emerging manpower policy. All volunteer force at its introduction required substantial spending on servicemen.

The technological modernization of the military's equipment and munitions did not compensate for the weakened manpower situation. 'Caught between the hammer of manpower costs and the anvil of procurement, the military had little choice but to reduce its spending for operations and maintenance.'²¹⁰ Consequently, I argue that the military is less able to effect political decisions and the services can devote much less energy to the

²⁰⁸ Russel F. Weigley, The American Way of War, A History of United States Military Strategy and Policy, Bloomington: Indiana University Press, 1973, p. 474.

²⁰⁹ Ibid.

²¹⁰ Ibid.

protection of their service interests when the budget cuttings force them to significantly reduce the spending on operations and maintenance.

D. CONCLUSIONS

The high road of military organization reform gradually came to an end in the mid-1960s. In the period between the Senator Henry Jackson preparedness subcommittee's hearing in 1982 and studies of the late 1950s, the legislative did not make any attempt to penetrate deeply into military organization issues, and the 1958 amendments were the last time that the National Security Act was legislatively modified. Naturally, there were many reports of different study groups advocating the inefficiency of the cold war policy-making system. "But the only results were sporadic, quite modest, and incremental changes."²¹¹ The arena of the JCS was no exception. This body could not perform its role effectively, since the Joint Chiefs of Staff underwent only relatively little change in their status and function.

"But at an even higher level, that is, the White House, a variety of developments occurs that had significant implications for the Department of Defense. Almost all of these included a greater degree of direct presidential involvement in making policy and strategy, and, sometimes, even in tactical operational decisions. The foremost development was the larger and larger role played by the president's national security adviser."²¹²

In practice, "... officials and officers across the river at the Pentagon were free to play their bureaucratic games against each other; games that the flawed centralization schemes imposed on the military establishment, from the National Security Act of 1947 until about the time of Secretary McNamara's departure some twenty years later, never cured"²¹³. "The resulting competition for power shaped the evolution of the defense establishment and mediated the US response to the cold war. External pressures prompted dramatic institutional change in the United States; yet, that change was constrained by the

²¹¹ Davis, p. 154.

²¹² Ibid., p. 155.

²¹³ Ibid., p. 155.

interests of pre-existing organizations and their struggle for power in the emerging defense system.”²¹⁴

²¹⁴ Paul N. Stockton, Domestic Politics and Global Change: U.S. Defense Policymaking In the Post-Cold War Era, Unpublished manuscript, November, 1997, p. 47.

IV: ANALYSIS OF THE GOLDWATER-NICHOLS ACT

A. INCENTIVES FOR THE GOLDWATER-NICHOLS ACT

'How best to balance the unified and separatist approaches to the Department of Defense has been a challenge that has confronted Congress over the years."²¹⁵ The forces that shaped the actual status of the central U.S. management system represent different interests. First, the separate services that support the independence in general, because they perceive bigger gains from service separatism, even though, they have to find Congressional influence and lobby to get a bigger share from defense budget. Second, Congress that gravitates toward the idea of unification of the services in order to create a more efficient management system and more importantly a more efficient combat force, by avoiding duplications and the waste of resources. The question, however, remains what type of centralized body should be responsible for the separate services, which in no case should be a General Staff. Since the establishment of the Department of Defense, in 1947, the Secretaries of Defense always supported increased centralization authority. Third, '[i]n attempts to craft the most effective balance between these opposing forces, Congress has also had to consider a third factor. Increased unification of the U.S. armed forces erodes congressional control over the military, and Congress has sought to limit that effect by not overcentralizing authority within the executive branch"²¹⁶.

In the historical evolution of the central defense management the first step was the National Security Act of 1947, which created the position of the Secretary of Defense, but gave no real authority to him over the secretaries of the separate services. The 1949 amendment of the Law "represented an important, but limited step in further unifying the U.S. military establishment"²¹⁷. The Congress intended to put the DOD on the top of the executive departments of the services. Moreover, the 1949 Amendment provided for a chairman of the Joint Chiefs of Staff, who got significant authority as a principal military adviser to the President, National Security Council and the Secretary of Defense, but he

²¹⁵ Lovelace Jr., p. 3.

²¹⁶ Ibid.

²¹⁷ Ibid., p. 4.

was not to exercise command authority over the military services. "With the 1949 Amendment to the National Security Act, Congress took a further step toward unifying the military departments."²¹⁸

The following, the 1958 Amendment of the Law gave real authority to the Secretary of Defense over the military establishment. All the amendments aimed at the unification of American Armed Forces, but the separate services were still too strong in resisting effective unification.

One would argue that even though the Reagan administration understood that security needs require grand budgets, and the Congress accepted the increased defense spending during the period of 1980-1985, the combined effectiveness of the U.S. armed forces did not increase proportionally with these huge defense appropriations. However, several events at the end of the 1970s and beginning of the 1980s showed the deficiency in the defense management system and led to a consensus that the DOD needs reorganization. Such events were the Iranian hostage crisis in 1979, the Beirut fiasco in 1983, and the operational problems in the Grenada operations, also in 1983.

The Goldwater-Nichols Act of 1986 aimed at the redistribution of power and institutional roles in the Department of Defense. The reason for this goal was the phenomenon that both strategy-making and contingency planning were inadequate to guarantee national security. At the end of the 1970s and beginning of the 1980s different sources supporting the necessity for change in national (American) policy-and strategy-making claimed that, "[t]here is all too little systematic strategy-making in the DOD, except in the strategic nuclear era. Instead, the reality is best characterized as a piecemeal, irregular, highly informal process, largely driven by cumulative program decisions influenced more by budget constraints and consequent interservice competition than by notions of US strategic priorities."²¹⁹ Neither the long-term nor the short-term policy and strategic planning was adequate and instead of strategic considerations the military was preoccupied by the adaptation of new technology.

²¹⁸ Ibid., p. 5.

²¹⁹ Robert W. Komer, "Stategymaking in the Pentagon". In Reorganizing America's Defense, Leadership in War and Peace, edited by Robert J. Art, Vincent Davis, Samuel P. Huntington, Washington: Pergamon-Brassey's International Defense Publishers, 1985., p. 219.

"Technology also seems to drive strategy more than the reverse, particularly in the nuclear era. In true American style, our services are eager to incorporate advancing technology into our forces, often without much thought about its strategic impact."²²⁰ This meant that the military had no incentives to develop national security strategy. But on the other hand, other actors responsible for the same strategy allowed flows in the process, thus, nor the president or the National Security Council produced the necessary guidelines, which would effectively influence the program process.²²¹ Just to prove a complete breakdown in the policy-making system Komer claims that, "the Defense and State departments, which should press the White House for such guidance, and make clear the costs and risks of alternative strategic choices, have usually failed to do so"²²². These departments rarely had to face up openly to setting regional and functional priorities that were adjusted to resource constraints. "Nor has the NSC staff generally shown much enthusiasm for informing the President on these issues and getting him to require the departments to perform adequately."²²³

Thus, deriving from the above described situation, it is obvious that the whole policy/strategy-making system, including all the organizations, was responsible for the inadequate process of national security mechanism.

In this dangerous situation every agency involved in national security issues believed that the system needed reform. The 'blame' for the breakdown of the system was put on the Department of Defense by Congress, which at the governmental level is responsible for the armed forces, since it was not at all difficult publicly to prove that the armed services' budgets were not in line with their responsibilities in carrying out political decisions. In this situation the services were satisfied with defense appropriations, but ignored the responsibility to contribute all together to the national security strategy. The backward objective circumstances for the separate services were the failures in conducting real-life military operations. It was obvious that sooner or later this contradiction would

²²⁰ Ibid., p. 210.

²²¹ Ibid.

²²² Ibid., p. 209.

²²³ Ibid.

result in operational failures, even if not in developing nation-wide security strategies, but in implementing small scale military operations, mentioned above.

To tell the truth, the grand security strategy had never been tested, even in the coldest periods of the cold war. "There has been no major conflict between the to superpowers for over 38 years."²²⁴ In those periods the president became the key person in national strategy-making, and he had to take the responsibility for the whole decision-making system in person, while the services ignoring the DOD and the Congress played their self-satisfying games at the expense of the president.²²⁵

Various official and non-official sources of that period criticize the Department of Defense for the unresultiveness of the policy-making system. The Locher Report, a Congress initiated report, under the title *Defense Organization: The Need for Change*, indicated that a consensus was built in Congress that the DOD required reorganization. The report refers to the testimony of former Secretary of Defense, James R. Schlesinger, who stated that: "[w]ithout such reform, I fear that the United States will obtain neither the best military advice, nor the effective execution of military plans, nor the provision of military capabilities commensurate with the fiscal resources provided, nor the most advantageous deterrence and defense posture available to the nation"²²⁶.

"The DOD, which ought to play a key role in presenting the military aspects of grand strategy to the White House, in order to inform and discipline strategic choices and resource allocations, is poorly equipped to do so"²²⁷. The Locher report also states that the organizational structure of the Department of Defense "is an obstacle to performance of the national security mission"²²⁸, and drew the attention to four key indicators of organizational deficiencies, which were the following:

²²⁴ Ibid., p. 208.

²²⁵ This can be explained by the fact that the advategous situation based on nuclear superiority reduced the need for innovations in non-nuclear strategic thinking. Consequently, national security in the 1960s and 1970s was provided by nuclear weapons, which, in fact split the strategy-making into nuclear and non-nuclear. For the nuclear strategy, the President of the United States took almost full responsibility, while conventional strategy and the necessary policy-making was marginalized.

²²⁶ U.S. Congress, Senate, *Defense Organization: The Need for Change*, Staff Report to the Committee on Armed Services, S. Print 99-86, 99th Cong., 1st sess., 1985, p. III.

²²⁷ Komer, p. 219.

²²⁸ U.S. Congress, Senate, *Defense Organization: The Need for Change*, p. 15.

1. *operational failures and deficiencies* - poor inter-Service coordination during the Vietnam conflict, the Iranian hostage rescue mission, and even the intervention in Grenada suggest deficiencies in the planning and preparation for employment of U.S. military forces in times of crisis;

2. *acquisition process deficiencies* - cost overruns, stretched-out development and delivery schedules, and unsatisfactory weapons performance have been frequent criticism of the acquisition process;

3. *lack of strategic direction* - the strategies and long-range policies of the Department of Defense do not appear to be well formulated and are apparently only loosely connected to subsequent resource allocation; and

4. *poor interservice coordination* - the programs of the individual military Services do not appear to be well integrated around a common purpose that clearly ties means to goals.

Nevertheless, there were two objective conditions which prevented the military from giving adequate military advice to political decision-makers. First, the then JCS system was institutionally incapable of deciding among service priorities, and it could not give realistically unified strategic advice.²²⁹ The reason for that was the fact that the JCS and the Joint Staff were dominated by the independent services and bureaucratic politics had bigger influence on JCS and service planning than did systematic strategic thinking.²³⁰ The second condition was the Planning, Programming and Budgeting System (PPBS) introduced by Secretary Robert McNamara in 1969. In the planning, programming and budgeting process the planning was inadequate and ideas on planning, separately developed by the civilian and military sides were more often controversial than not.²³¹ Since programming tended to dictate strategy rather than the other way around, PPBS determined national security strategy.

²²⁹ Komer, pp. 219-220.

²³⁰ Ibid., p. 220.

²³¹ Ibid.

B. THE GOLDWATER-NICHOLS ACT OF 1986

Being aware of the problems existing in political decision-making, the Congress initiated a study on the organization and decision-making procedures in the Department of Defense, which ended in January 1985. The findings of the study were in complete line with the summary of weaknesses elaborated by Archie Barrett, a former staff member of the House Armed Services Committee, who based his critique on the comprehensive defense organization study of 1977 through 1980. These weaknesses include:

- "the inability of the service dominated joint organizations to provide adequate military advice from a national perspective;
- the overwhelming influence of the services, wholly out of proportion to their formal responsibilities;
- the "flawed management approach" of OSD, which slights the broad policy function by failing to define the linkage between national objectives and military planning, to evaluate alternative approaches to meeting military requirements, or to ensure that decisions are actually followed through. As a result, there is an enormous 'disconnect' between U.S. strategy and posture."²³²

The above described operational failures and the congressional reaction they elicited complete the historical context that shaped the widespread congressional perception that the U.S. military was in a need of reform. As an immediate response Senators John Tower and Henry Jackson directed the Senate Committee on Armed Services' staff to conduct a study of the organization and decision-making procedures of the Department of Defense.

In January 1985, Senators Barry Goldwater and Sam Nunn directed that a more formal study be undertaken by the same Committee.²³³ The reason for that was the strong opposition to the enactment of a bill, which would change the power distribution inside the Pentagon, especially opposition on behalf of the service chiefs. The final report published in October 1985 addressed a wide range of issues affecting the performance of

²³² Archie D. Barrett, Reappraising Defense Organization, Washington, National Defense University, 1983, pp. xix-xx.

²³³ U.S. Congress, Senate, Defense Organization: The Need for Change, p. 13.

the Department of Defense. Moreover, the report also addressed two key decision-making processes, the PPBS and the acquisition process.²³⁴

The president on his own side charged a commission to prepare a study on the same subject matters, including the organizational and operational arrangements of the Congress with the separate organizations (the OSD, JCS, the Unified and Specified Command Systems, and the military departments) of the Department of Defense. The final report was published under the title; *Toward a More Effective Defense, The Final Report of the CSIS Defense Organization Project*. The two studies, initiated by the Congress and the president came to the same conclusions, although the recommendations of the Commission convened by the president were less radical. The president basically accepted these recommendations and was inclined to modify them toward more radical changes proposed by the Congress' Committee.²³⁵

In drafting and submitting the bill the Congress and the president showed constructive approach, while the executive branch was seemingly divided over the issues of defense reorganizations. Senators Goldwater and Nunn, nevertheless, were able to find allies in the services, in officers who supported the defense reorganization act, and the Goldwater-Nichols Department of Defense Reorganization Act was law by the 1st of October 1986.²³⁶

"One of the landmark laws of American history," is how Congressman and later Secretary of Defense Les Aspin described the Goldwater-Nichols DOD Reorganization Act. Speaking as the chairman of the House Armed Services Committee in 1986, Aspin added, "[This law] is probably the greatest sea change in the history of the American military since the Continental Congress created the Continental Army in 1775."²³⁷

By passing the law, Congress has made another important step toward consolidating civilian control over the military and much desired unification of the armed services. One of the basic intentions of the Congress in passing GNA was to improve military advice to the President, the National Security Council, and the Secretary of

²³⁴ Lovelace Jr., p. 10.

²³⁵ Ibid., p. 13.

²³⁶ Ibid., p. 14.

²³⁷ James R. Locher, "Taking Stock of Goldwater-Nichols", *Joint Force Quarterly*, Autumn 1996, p. 10.

Defense. One way of improving military advice necessary to political decision-making is to unify the military services that each of the services could feel direct responsibility for the advice it gives. By this step aiming at the creation of a unified military, however, there is a danger of migration of control of the military from the legislative to the executive branch, to the secretary of defense.²³⁸ Based on the inherent principle of the U.S. government, which excludes the concentration of power in a single person without checks and balances, unified command over the services exercised by the secretary of defense is undesirable. "Congress also perceived the need for more unified direction of the U.S. armed forces, but feared that too much centralization of authority might inhibit the discretionary authority of Congress over defense matters."²³⁹

The contravening concerns were clearly reflected in the objectives of the Goldwater-Nichols Act. The scope of the new legislation showed congressional dissatisfaction with the lack of unified direction and action of the American armed forces. Congress attributed this problem to the dysfunctional relationships among the DOD's main entities (SECDEF, service secretaries, CJCS, JCS, CINCs and service components, and the service chiefs).²⁴⁰

"With its desire to create a more appropriate balance between joint and service interests as a backdrop, Congress declared eight purposes for the act, ...²⁴¹:

1. to reorganize the Department of Defense and strengthen civilian authority within the Department;
2. to improve the military advice provided to the president, the NSC, and the Secretary of Defense;
3. to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands;
4. to ensure that the authority of the commanders of the unified and specified combatant commands is fully commensurate with the responsibility of those commanders for the accomplishment of missions assigned to their commands;

²³⁸ Lovelace Jr., p. 10.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Ibid.

5. to increase attention to the formulation of strategy and to contingency planning;
6. to provide for more efficient use of defense resources;
7. to improve joint officer management policies; and
8. to enhance otherwise the effectiveness of military operations and improve the management and administration of the Department of Defense.²⁴²

Each provision of the act addresses one or more of the elements of the congressional intent. However, if one considers strictly the political decision-making process, the most important from these objectives are the first and the second one. In the following part of this chapter I intend to analyze these eight provisions, which would allow to provide a basis for determining from an perspective whether the act has served its purpose or not. The assessment of each provision is organized around the basic problems prior to GNA, the elements of the Act's stated intent and supported by analyses of key provisions designed to address each element.

C. IMPLEMENTATION OF THE GOLDWATER-NICHOLS ACT

The Senate Armed Service Committee staff study of October 16, 1985, titled Defense Organization: The Need for Change, found that service interests rather than strategic needs play the dominant role in shaping program decisions. "Service decisions on force structure and weapon developments decisions reflected their 'parochial' desire to keep existing missions, career paths and suborganizations well-supported."²⁴³ At the same time, "[f]unctions (e.g. airlift, sealift, close air support) which are not central to a Service's definition of its missions tend to be neglected"²⁴⁴. The services had chosen the tactics of 'interservice logrolling', meaning that instead of criticizing each other programs the services had decided to remain silent and each of them could submit whatever program they wanted.

²⁴² Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 3.

²⁴³ Stockton, p. 66.

²⁴⁴ U.S. Congress, Senate, Defense Organization: The Need for Change, p. 8.

The above mentioned document in its part under the subtitle, 'Problems and Recommendation', under point number 10. declares the mechanism for change insufficient. The following four key problems are listed as reasons for inefficiency: (1) the bureaucratic agreement among the services, (2) the predominant influence of the Services, (3) inter-Service logrolling on critical issues, and (4) absolute service control over promotions and assignments of all military officers, including those in joint duty billets.²⁴⁵ The study drew the conclusion that DOD does not have effective mechanism for change. However, the defense reformers aimed at this change by shifting power from the armed services to the mechanism of JCS, more exactly to the Chairman of the JCS, giving him unprecedented power affecting his ability of influencing policy-making.²⁴⁶ This shift of power may undermine civilian authority and overview exercised by the Department of Defense.

The following part of the chapter examines how the objectives of the Goldwater-Nichols DOD Reorganization Act are met by the entities of the Department of Defense, giving special emphases to the increased power of the Chairman of the Joint Chiefs of Staff.

1. Civilian Authority

Giving the Chairman of JCS extraordinary power by nominating him as the principal military adviser to the President, NSC, and the Secretary of Defense, it was obvious that the position of the SECDEF, his civilian authority must be strengthened. In doing so the defense reformers intended to avoid the situation when the first military officer of the nation could bypass his immediate superior and provide subjective advice directly to the civilian policy-makers.²⁴⁷

The GNA ensured that the secretary of defense is to provide defense planning and contingency planning guidance, thus setting the framework for uniformed military to structure accordingly its respective programs. My general concern in that is that the

²⁴⁵ Ibid.

²⁴⁶ Stockton, pp. 66-67.

²⁴⁷ Lovelace Jr., p.16.

secretary of defense "with the advice and assistance of the Chairman of the Joint Chiefs of Staff"²⁴⁸ will provide this written policy guidance. In doing so the CJCS reviews the drafts of the Defense Planning Guidance (DPG) and is afforded the opportunity to provide comments prior to its publication.²⁴⁹ The CJCS as a military person will perform this function with more military expertise, which means with more competence than the secretary of defense. Also, the final draft of the Contingency Planning Guidance (CPG) is coordinated with the chairman before it is forwarded to the secretary for his approval and subsequent submission to the NSC for presidential approval. The resulting document is the framework for the CINCs to develop plans for military operations. But again, before the plans are completed the CINCs' strategic concepts are forwarded to the CJCS for review and approval. It is another opportunity to bring subjective judgment to these operational documents by the chairman.

The GNA puts the secretary of defense into the most powerful position in the executive branch after the president. The act addresses this intention by three major prescriptions. First, the Congress stated 'the secretary has sole and ultimate power within the Department of Defense on any matter on which the Secretary chooses to act'. However, the bureaucratic layers among the DOD components and service resistance can delay or jeopardize the actions initiated by the SECDEF based on this sole statement.²⁵⁰

"Second, in designating the chairman as the principal military adviser, Congress envisioned him becoming an ally of the secretary with a common department-wide, non-parochial perspective."²⁵¹ The question immediately emerges is that 'what are the guarantees or the incentives for the CJCS to become an ally?'. This power play for influence between the SECDEF and CJCS is largely affected by the personalities fulfilling the given assignment. A "strong" chairman can have greater influence on the president than the secretary, even if he risks his job.

²⁴⁸ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 3.

²⁴⁹ Lovelace Jr., p. 17.

²⁵⁰ Locher, p. 11.

²⁵¹ Ibid.

“Third, the law specified the responsibilities of the service secretaries *vis-à-vis* the secretary of defense. In determining relationship among senior civilian officials, Congress filled a void that had existed for nearly forty years.”²⁵² However, independent services by partisan methods can lobby at the members of Congress for the necessary funding of their programs leaving the service secretary out of the chain, thus decreasing the SECDEF power to fully comply with his political guidance. This ultimately means that despite of established relationship between the secretaries, the military interest can prevail in political decision-making.

2. Military Advice

One of the basic reasons for the malfunction of the political decision-making system was the “inadequate Joint Advice”. The staff report, *Defense Organization: The Need for Change*, states that “[t]he JCS system has not been capable of adequately fulfilling its responsibility to provide useful and timely unified military advice”²⁵³. The “inadequate Joint Advice” caused malfunctioning in many activities in the DOD. “Shortcomings in their ability meaningfully to address these issues have had a serious impact on the ability of DOD to prepare for and to conduct military operations in times of crisis.”²⁵⁴

The staff report explains the inefficiency of the military advice by the inefficiency of the JCS system, which had required the Service Chiefs to be an effective advocate of their own services and joint interests at the same time. This “duel-hatting” yielded weak JCS advice that simply reflects the four Services’ unanimous agreement. In answer to the problem of “inadequate Joint Advice” Congress assigned increased responsibility to the Chairman of JCS, made him the principal military adviser to the National Command Authorities (NCA) and NSC, and transferred the duties to him previously performed by corporate Joint Chiefs.

²⁵² Ibid.

²⁵³ U.S. Congress, Senate, *Defense Organization: The Need for Change*, p. 5.

²⁵⁴ Ibid., p. 6.

However, with the possibility provided by the Act to the Chairman that he may participate in NSC meetings, the basic principles of political decision-making were violated, which claim that the military should not be involved in political decision-making. And even if the Act vested the chairman with no command authority, he continues to remain a military person.

Of course, if the chairman is the principal military adviser, he can provide less biased, less service-oriented, more unified, but at the same time more subjective advice. So, the chance for subjectivity is ensured by GNA, even though the chairman has to rely on the Services for comprehensive expertise. On the other hand, there is no guarantee that the personnel drawn for Joint Staff duties continues to be strongly influenced by the interests of their parent services.²⁵⁵

“Nonetheless, a key issue remains concerning the manner in which the chairman formulates the advice he provides to the NCA. There is evidence that the Chairman may not adequately consult with other members of the JCS before providing his advice to the NCA.”²⁵⁶ The issue of consultation with the Services’ representatives have become very sensitive, when the chairman reviews service budget proposals and spending priorities. These situations represent simple bargaining between the CJCS and the Services if the chairman really wants to get useful information and expertise from the services to be able to formulate “adequate Joint Advice”.

In this respect, the “enacting of Goldwater-Nichols, then, Congress executed a dramatic turnabout from its previous defense of service autonomy, but dictated changes, that posed uncertain consequences for the distribution of power and authority within the military”²⁵⁷. Even though the Act made the chairman more powerful at the expense of the separate services, the services are still able significantly to influence the chairman’s Joint Advice.

²⁵⁵ Locher, p. 14.

²⁵⁶ Lovelace Jr., p. 27.

²⁵⁷ Stockton, p. 73.

3. Clear Responsibility for the CINCs

In order further to reduce the influence of the Services based on exclusive service interests and better focus the Department of Defense strategic planning on the needs of the unified and specified commanders, Congress determined that the roles of the Commanders-in-Chiefs also had to be strengthened.²⁵⁸ To achieve this objective of placing clear responsibility on CINCs, Capitol Hill beside giving more command authority also clarified the chain of to each commander and emphasized that all CINCs were responsible to the president and the secretary of defense for the performance of assigned missions. The GNA prescribed the chain of command as running from the president to the secretary to the CINC. The Joint Chiefs including the chairman were explicitly removed. This action meant that majority of fighting forces were placed under the authority of the CINCs.

The Goldwater-Nichols Act not only strengthened the Chairman of the JCS from below by assigning him the functions previously performed by the Joint Chiefs, but the Act also added power from above. Congress included provisions in the Act that allow the chairman to assist the NCA in overseeing the CINCs. Specifically, the president may direct that all communications between himself or the secretary and the CINCs go through the chairman.²⁵⁹ Moreover, the president may rely on the chairman in assisting him to perform command functions. The secretary of defense may assign the chairman responsibilities in assisting in overseeing the combatant commands; however, such assignment confers no command authority.²⁶⁰ Although the chairman has no command authority, his role in making the chain of command function effectively is pivotal. This means that the chairman besides his advisory role may effect the quality of command starting with the president and ending with the CINCs. In such a way he can influence the president in fulfilling his supreme command function, which would lead to interference with the above described chain of command.

²⁵⁸ Lovelace Jr., p. 29.

²⁵⁹ Ibid., p.30.

²⁶⁰ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824. pp. 23-24.

Another intention of the GNA was to make the CINCs responsible for identifying requirements for military capabilities, the chairman responsible for synthesizing the requirements and the services were tasked to fulfill the requirements. This new function is another example of the chairman's increased ability to effect warfighting capabilities of the combat forces. One may argue that the GNA did not only make the chairman involved in policy-making, but also in creating the basis for implementing those policy decisions. On the other hand, even though the CINCs are to determine necessary combat capabilities, they must limit themselves by the potential capabilities of the services, since the services control the concepts development and research and development capabilities that yield potential weapon system and equipment.

4. Improving Strategy Formulation and Contingency Planning

The Staff Report to the Committee on Armed Services of October 16, 1985 states that "strategic planning is inhibited by the absence of an organizational focus on major missions and strategic goals"²⁶¹. Moreover, the Armed Services Committee claimed that planning in DOD was underemphasized and ineffective. Such planning was fiscally unconstrained, and strategy and resources were weakly linked. As the failures of military operations of late 70s and early 80s demonstrated contingency plans had limited utility in crisis, often because they were not based on valid political assumptions. "The operational deficiencies during the Vietnam war, the seizure of *Pueblo*, the Iranian hostage rescue mission, and the incursion into Grenada were the result of the failure adequately to implement the concept of unified command."²⁶²

Consequently, through Goldwater-Nichols, Congress sought to improve strategy formulation at the level of the Chairman of JCS. For this purpose Congress formulated four principal provisions set forth in the Act. First, at the NCA level it required the president to submit an annual report on national security strategy in which the president describes comprehensively the short-and long-term national security strategies and provides assessment of the risks associated with implementing the strategies. However, as

²⁶¹ U.S. Congress, Senate, Defense Organization: The Need for Change, p. 3.

²⁶² *Ibid.*, p. 7.

the practical implementation of this provision shows, the national security strategy reports submitted by the president do not enable the Congress to the full extent to assess, approve, and modify fiscal programs and their utility to provide optimally balanced support of national power has been limited.²⁶³ These difficulties derive from the broad nature of the statements of administration policies concerning national security. If the president submitted a fully comprehensive, detailed report he would yield flexibility in his ability to negotiate the defense budget with the Congress. Furthermore, a more detailed report would seize the bias in shaping resource allocation and in case the real geo-strategic developments do not coincide with those envisaged in the report, the competence of the president would be questioned. "Thus, the president's decision not to implement fully the national security strategy provisions of the GNA can be at least partially explained by the constitutionally created tension between the legislative and executive branches of the U.S. government, a valued characteristic of American politics."²⁶⁴

The GNA empowered the chairman with specific strategic and contingency planning responsibilities. With respect to strategic planning he is to assist the NCA in providing for the strategic direction of the armed forces and to prepare strategic plans which conform to resource guidance provided by the secretary of defense.²⁶⁵ This provision can improve strategic planning, since it relies on professional military expertise of the chairman, at the same time there is the danger of subjectivity in the chairman's advice. To assist the National Command Authorities in providing strategic direction, the chairman prepares a national military strategy.²⁶⁶ The way the strategy is formulated constitutes a part of a larger classified document - titled, National Military Strategy Document - which is more detailed and specific. In 1990, the Chairman directed the revision of the Joint Strategic Planning System (JSPS) to incorporate "the appropriate statutory responsibilities of the Chairman ... as delineated in the Goldwater-Nichols Act of

²⁶³ Lovelace Jr., p. 36.

²⁶⁴ Ibid., p. 37.

²⁶⁵ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 19.

²⁶⁶ U.S. Department of Defense, Office of the Chairman of the Joint Chiefs of Staff, Memorandum of Policy No. 7, Joint Strategic Planning System, 1st Revision, March 17, 1993, Washington, DC. p. I-2.

1986”²⁶⁷. Regardless of this broader document, the formal National Military Strategy contributes only in the most general sense to the process of strategy formulation, notwithstanding the intent of the GNA.

The Chairman provides for the preparation and review of the contingency plans, which conform to NCA policy guidance.²⁶⁸ The chairman’s translation of the policies set forth in the secretary’s Contingency Planning Guidance into specific planning tasks for the CINCs is promulgated by the chairman’s Joint Strategic Capabilities Plan (JSCP). In response to the JSCP, the CINCs develop operation plans and submit to the chairman for approval.²⁶⁹ Additionally, the chairman is also actively involved in the Crisis Action Planning Process. The substantial involvement of the chairman in all these planning processes is in line with the provisions of GNA. This intended role of the chairman was successfully played in the planning processes prior to and after Iraq’s invasion of Kuwait, however, the time frame for planning did not put the Chairman under extreme conditions.

In addition to providing for the preparation and review of the contingency plans, the Chairman is also required by the GNA to prepare strategic plans.²⁷⁰ Given the global responsibilities and perspectives to the Chairman, he is best suited to reconcile, rationalize, and harmonize the CINCs’ plans. The chairman’s effort in this regard must be more than merely compiling the CINCs’ plans. In fact, it can be said that ‘by performing this strategy formulation role, the Chairman could ensure that contingency planning better adheres to policy guidance and would be in a better position to provide strategic advice to the NCA’²⁷¹. This state of affairs, however, will not necessarily assure the required interaction between policy and operational planners at the planning level.

²⁶⁷ U.S. Department of Defense, Office of the Chairman of the Joint Chiefs of Staff, Memorandum of Policy No. 7, Joint Strategic Planning System, Washington, D.C., January 1990, p. 1.

²⁶⁸ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 17.

²⁶⁹ U.S. Department of Defense, Chairman of the Joint Chiefs of Staff, User’s Guide for JOPES (Joint Operation Planning and Execution System), Washington, DC, May 1, 1995, pp. 10-13.

²⁷⁰ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 17.

²⁷¹ Lovelace Jr., p. 39.

5. Providing More Efficient Use of Defense Resources

By enacting the GNA in 1986 the congressional intent included the "more efficient use of defense resources"²⁷². It was a direct consequence of the "testimony before Congress, which revealed that vague and ambiguous DOD objectives permitted service interests rather than strategic needs to play dominant role in shaping resource decisions"²⁷³. At the same time the secretary of defense was not either in a position to oversee resource planning, since he lacked an independent military assessment of service programs and budgets. In order to achieve a more efficient use of defense resources, Congress granted the chairman additional power to be able to form an independent military perspective that had been lacking. It has been reached by the chairman's new role in this process to solicit the CINCs requirements, provide national level analyses of those requirements, assess the extent to which the proposed programs of the services effectively satisfy the CINCs, requirements, and advice the NCA accordingly. Thus, in theory the programs and budgets of the military departments and other DOD components conform with strategic plans and CINC priorities. "The chairman was also empowered to submit alternative program and budget recommendations to the secretary."²⁷⁴

Implementation has not achieved the potential of the Goldwater-Nichols reforms with the exception of General Powell's effective use of his resource advisory role in formulating the Base Force, that meant a 25% reduction in force structure. Even though, reducing the Cold War force structure by 25% represented the most significant and difficult resource issue faced by the Pentagon over the last decade, one can argue that this reduction was of objective necessity. Change in the international security environment, the fall of the Soviet superpower made this downsizing possible.

Tools which the chairman can use to fulfill his responsibilities related to more efficient use of defense resources include the CINCs' Integrated Priority List, the Joint Requirements Oversight Council (JROC), the chairman's authority to evaluate the

²⁷² Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 3.

²⁷³ Locher, p. 14.

²⁷⁴ Ibid.

preparedness of the combatant commands²⁷⁵, and the Chairman's Current Readiness System.

Defense experts claim that the JROC process can be misused. 'If instead of informing the independent advice of the Chairman JROC were used to pre-negotiate issues in the old log-rolling fashion, the military would come full circle to the wasteful, pre-Goldwater-Nichols days.'²⁷⁶ With similar approach the independent services by locking arms can politically overpower the secretary of defense and Congress on significant resource issues. The chairman is responsible for rejecting these activities to the independent services and avoiding to surrender his independent perspective, otherwise, he will abandon the intentions of the Goldwater-Nichols Act. To achieve more efficient use of defense resources Congress looked to the chairman. Fulfilling his tasks in this field he can effectively link planning and implementation, thus facilitating the most rational use of national resources.

In passing the GNA, Congress also intended to improve joint officer management policies, and to enhance otherwise the effectiveness of military operations and improve the management and administration of the Department of Defense.²⁷⁷ In implementing all these provisions the chairman has tremendous responsibilities. To improve operational effectiveness, for example, the Chairman of the JCS is responsible for developing joint doctrine and joint training policies. Evidently in this activity he relies on the Joint Staff Under his subordination, but at the same time his personal input is decisive.

Many of the provisions of the Goldwater-Nichols Act focused on improving DOD management and administration. 'But in adding this objective Congress had in mind specific structural problems that were hindering sound management.'²⁷⁸ These problems included excessive spans of control, unnecessary staff layers and duplication of effort, steady growth in headquarters staff, inadequate supervision of defense agencies, and an

²⁷⁵ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 21.

²⁷⁶ Locher, p. 14.

²⁷⁷ Goldwater-Nichols Department of Defense Reorganization Act of 1986, Conference Report 99-824, p. 3.

²⁷⁸ Locher, p. 16.

uneven division of work among defense components. To reduce the span of control of the Secretary of Defense, the GNA required the secretary to delegate supervision of each defense agency and field activity to an OSD official or to the chairman. The chairman role as an overseer of the unified commands also helped to lessen the secretary's supervisory burdens. However, it is arguable whether this function of the chairman reinforces his position *vis-a-vis* the secretary or not. Nevertheless, it gives the chance for the chairman of being subjective and more military-minded in assessing these commands.

6. The Goldwater-Nichols Act and Civilian Control

"The fundamental changes in the relationship between the key players in the national military command structure caused by the Goldwater-Nichols Act have had a profound effect on civilian control."²⁷⁹ The Constitution set forth the security related duties and responsibilities of the president as Commander -in-Chief and Congress, with the necessary checks and balances. These provisions are broad enough to allow to both side the necessary flexibility to act to their discretion for the security of the American people. The GNA is trying unnecessarily to prescribe the president the chain of command, he should establish between himself and the armed forces. In this way the Congress let the president, as Commander-in-chief establish any chain of command he considers proper. "Of course, the President always possessed that authority."²⁸⁰

"By establishing the Chairman as the principal military adviser to the President, and by giving the Chairman control of the Joint Staff, Goldwater-Nichols established a de facto national general staff."²⁸¹ According to this passage, the Joint Staff to the full extent for the chairman and tries to find the "best" ultimate solution on any issue at debate. In the process of decision-making the civilian side is usually confronted only with the "best" ultimate solution provided by the uniformed military, thus the civilians are deprived the opportunity to choose from a variety of options. It streamlines the decision-making, but

²⁷⁹ Christopher M. Bourne, "Unintended Consequences of Goldwater-Nichols: The Effect on Civilian Control of the Military", in Essays on Strategy XIV, edited by Mary A. Sommerville, Washington DC: National Defense University, 1997. p. 237.

²⁸⁰ Ibid., p. 239.

²⁸¹ Ibid.

might be perceived as a threat to civilian control and can make the civilian control a "meaningless formalism, with little function beyond rubber-stamping the action of the military"²⁸².

The provisions of the GNA also changed the power relations related to relative authority of the secretary, the chairman and the Joint Staff. It happened to the detriment of the civilian side. The Goldwater-Nichols Act reduced the Secretariat significantly and transferred several key functions to the chairman. The Secretary of Defense basically formulates only the general defense policy guidelines. On the other hand, as it has been proved through this entire chapter, the Chairman controls the Joint Staff and he is also responsible for key strategic functions, such as strategic direction; strategic planning; contingency planning; requirement, programs and budget; doctrine, training, and education; and roles and missions. Thus the Chairman is responsible for the most significant decisions relating to national security.²⁸³

Supporters of GNA, of course, can argue that the chairman acts within the perimeter drawn by the secretary of defense and the chairman makes only recommendations, which may or may not be accepted by the secretary at the president. In the worst case for the chairman, the secretary can release him from his duties. But, being aware of the nature of bureaucratic processes in political decision-making, the chances that the recommendations of a single military officer will be accepted are very high. And one should not doubt that the Joint Staff in working for the chairman are going to make the best arguments to back up the chairman's recommendations. Moreover, the "unified recommendation" provided by the military side might be more valuable than the fragmented proposal made by the fractured civilian side.

Objectively weighing the effect of GNA on the balance of civil-military power over political decision-making, it can be said that by tremendously strengthening the role of the chairman to the detriment of service chiefs, and giving great emphasis to Joint Staff under full supervision of the chairman, the military's influence on political decision-making has

²⁸² General Lyman L. Lemnitzer, USA (Ret.) et al., Report by the Committee on Civil-Military Relationships, Indianapolis, IN: Hudson Institute, 17 September 1984, p. 37.

²⁸³ C. M. Bourne, p. 240.

grown substantially. "Combining the power of the chairman with the relative effectiveness of the Joint Staff versus its civilian counterparts sets all the necessary conditions for military usurpation of civilian decision-making authority."²⁸⁴

D. CONCLUSIONS

The 1986 Goldwater-Nichols Department of Defense Reorganization Act pursued two major objectives. First, it reorganized DOD and strengthened civilian authority. Second, it improved the military advice provided to the President, National Security Council, and Secretary of Defense. The second objective was aimed at the improvement of civilian political decision-making related to national security.

Under objective civilian control the military is excluded from the political decision-making process. However, as the given case of the United States shows, the military is always trying to influence those political decisions, because it provides justification for its existence and the material and human resources mean real political weight or power.

In democratic civil-military relations the extent to which the military can influence the civilian side is difficult to predict, but it is evident that in peacetime and wartime the military as the guarantee for security must be taken into account. The final outcome in peacetime should provide dominance for civilian values, while in war military values and first of all military professionalism must be given full consideration. GNA may have made the decision-making system more effective, but this efficiency has come at the expense of the Secretary's and Congress' ability to exercise civilian control over the military, thus, at the cost of the civilian side. In this way in peacetime GNA has given greater emphasis to military values, rather than civilian ones. In practical terms it means that the reorganization act has immensely strengthened the position of the Chairman of the Joint Chiefs of Staff, never seen in the U.S. history before, and has made the Joint Staff more effective. These two unexpected consequences together lead to a situation in which the military side can overpower the civilian side, more exactly the secretary of defense. The Goldwater-Nichols Act 'has consolidated formerly dispersed powers into the Office of the Chairman of the

²⁸⁴ Ibid., p. 247.

Joint Chiefs of Staff. As a result, the Act has set the conditions whereby the military might usurp some of the authority of its civilian leadership.²⁸⁵

By improving the military advice necessary to political decision-making, the Goldwater-Nichols Act offers the illusion that decisions on national security can be made easier. 'However, in practice such advice can amount to de facto decisions by a single officer and could make mere figureheads of responsible civilian authorities.'²⁸⁶ The danger in this situation is the "subjectivity" of the military advice based on the discretion of the chairman instead of a corporate body.

By creating a powerful chairman, thus gradually eroding civilian control over the military, the Congress also lost some of its power, but still less than the Secretary of Defense. After the enactment of the Act Congress is still in a convenient situation to observe the struggle between the executive and the military sides. At the same time Congress did not abandon the strategy of divide and rule. 'Legislators carried out that strategy to new extremes, creating a powerful chairman to provide additional source of military advice, and putting him into competition with the services (who are granted the right to contradict the chairman's advice with the president and the Congress).'²⁸⁷

By enacting the GNA Congress chose the most convenient way to try to improve political decision-making, but the danger is that in doing so it elevated the military to the level of political decision-making that fall outside its proper sphere, and it can ultimately lead to tensions between the military and the society, the latter seeing this final result as a consequence of the military's own ambitions.

²⁸⁵ Ibid., p. 257.

²⁸⁶ Ibid.

²⁸⁷ Stockton., p. 92.

V. CONCLUSIONS

A. THE IMPORTANCE OF SOLVING THE "MILITARY ISSUE": SUCCESS OR FAILURE OF DEMOCRATIC TRANSITION

Based on the controversy between democratic social norms and mission of the armed forces in general, civil-military relations exist in any society with military forces. The functional requirement suggests that "society needs the military, an effective military to protect it against external threat"²⁸⁸. This requirement derives from the external threats to the state's security. The objective requirement for defense should be matched with the "social tolerance" stemming from societal forces, ideologies and institutions dominant within society.²⁸⁹ Within democratic governance "[t]he objective ... on the institutional level is to develop a system of civil-military relations, which will maximize military security at the least sacrifice of other social values."²⁹⁰

The inherent activity of all societies is to produce and distribute values. These processes work best in ideal cases when the society faces no external threat. Should an external threat appear these societal functions must be protected. The protection is the vested responsibility of the military. The armed forces in acting so, is not directly involved in the economic process, but indirectly - by providing defense for the production and distribution processes - facilitates the functioning of these processes, thus the normal functioning of the society. It is very complicated to access the value of such protection, especially in peacetime.

If the military is not directly involved in the maintenance of the society, it can be regarded as a consumer of the values. That is why the ultimate objective, especially in a democracy, is to provide maximum protection at the least possible cost. The society in any event has to pay the price of protection, but "[t]he structure and operating mechanism of state institutions should enable the government both to look after the national interest and to respond to its citizens' concerns"²⁹¹.

²⁸⁸ Joo, p. 4.

²⁸⁹ Ibid.

²⁹⁰ Huntington, pp. 2-3.

²⁹¹ Joo, pp. 4-5.

"One of the basic tenets of representative democracy is that politicians who exercise political power are answerable to those who have elected them, and in whose name they formulate and implement policies.²⁹² The military establishment in the society is subordinated to the electorate through constitutional mechanism. Defense is a function of government and as such should be subject to ultimate sanction by the elected legislative: the armed forces are part of the executive and are part of those governed. Armed forces are thus an instrument of the state; they should have no independent or autonomous political role, nor should they interfere with the running of the country, and should never be deployed in support of narrow partisan, politicized interests.²⁹³

Consequently, rather than the military, the democratically elected civilian authority must have the legitimate power to make policy, including security and defense policy. Nevertheless, the military seeks to influence those political decisions which concern its existence. The most important of them are those constitutional provisions that "accommodate" the military in the society, including command lines which facilitate the actual use of the armed forces. Similarly important are the laws and decrees that determine the legal status in the society of uniformed military and those prescribing the emoluments paid in return for the armed protection of societal values. Another important area of legislation concerns the military's roles and the missions and the budget appropriation, which also enables the armed forces to carry out predetermined tasks and missions.

In the life circle of a democratic society one can distinguish four different stages of democratic evolution: (1) decay of authoritarian rule, (2) transition, (3) consolidation, and (4) maturing of democratic political order.²⁹⁴ Depending on the particular phase a country faces, the society has to solve problems of different character in civil-military relations. For example, established liberal democracies, such as the United States in maturing of democratic political order forever perfects its civil-military relations and seeks better balance between functional and societal imperatives. Countries in the Central and Eastern

²⁹² Joo, p. 3.

²⁹³ Ministry of Defense of the United Kingdom, Directorate of Management and Consultancy Services, Study No 810., Review of Parliamentary Oversight of the Hungarian MOD and Democratic Control of the Hungarian Defense Forces, February 1996, p. 3.

²⁹⁴ Doh Chull Shin, "On the Third Wave of Democratization: A Synthesis and Evolution of Recent Theory and Research", World Politics, Vol. 47., October 1994, No. 1. p. 143.

European Region, however, are at the stage of democratic transition and early consolidation. These nations are preoccupied with the accommodation of the military to democracy and to find the most suitable size, type, composition and missions for their forces. It is an especially difficult task, since economic backwardness often impedes even the usual institutional processes related to the functioning of democracy, not to speak about the 'luxury' to provide funding for the military from scarce resources of the society. Other domains of societal life seemingly demand priority *vis-à-vis* military spending.

At any phase of democratization the military secures and justifies the resources necessary for its existence. The issue of military involvement in political decision-making, or one can formulate in a different way; the level and structure of power delegated to high-ranking military officials is of crucial importance. And it is especially true in the phase of transition when the success of the whole democratic process is under question, democracy is still fragile and the victory in democratic changes should not be taken for granted. Consequently, the success or failure of democratic transition basically depends on successful solution of the proper role for a soldier in a democracy. In established democracies, where the issue at stake is not the success of democratic transition or survival of democracy, civil-military relations are usually related to resource allocation depending on the changing external circumstances, at the same time keeping a close eye on the tenet of civilian supremacy.

Authoritarian regimes of any kind perceive the military as a chief instrument in maintaining the regime. Military regimes solely rely on the armed forces to repress society, thus violating the basic principle, according to which military is to be used generally for external defense and one cannot speak about democratic values, such as civilian supremacy in military matters. Of course, in this case the military is highly politicized and is actively represented in political decision-making, and it would be improper to speak about any professionalism except exercising terror and violence. The best examples are such former authoritarian and military regimes in South America, as Chile and Peru.

The laws of physics may be applicable to social sciences, especially such as the one on attraction of gravity. The law would say: the larger the extent of the involvement of the military in maintaining non-democratic regime is, the bigger privileges it enjoys under the

regime, the more committed it is to that regime.²⁹⁵ And if such is the case, after democratic shifts it will be more complicated to solve the "military issue", which means to de-politicize the armed forces, to increase their professionalism and to obtain civilian supremacy culminating in objective democratic control over the armed forces. In democracy the military must be loyal to the Constitution and must serve the interests of the people, not a single person, let us say, a dictator or a minority of people.²⁹⁶ The military must voluntarily accept civilian supremacy in the whole democratic process, starting with the transition; it must give up partisanship or other non-democratic means to obtain certain objectives.

The subjective conditions of accommodation of the military in the society require competency in military issues among the civilian side, capable of a.) expertly determining the role and missions of the forces, based on security policy priorities, and b.) give reasonable, comparable prospects for the military to prove itself in the society as citizens as well as professionals. The military, which pursues its own interests in the society gets quickly aware about the outcomes of transition, the results of bargaining and will be willing to play according to democratic rules, if it feels the chance of winning. In this case, the victory means trust respect and adequate material provisions. The civil society can, however, significantly reduce the role of the military in the state, thus its influence on social processes, through unreasonable reduction in its size.

In the transitional phase especially, but during democratic consolidation, as well, civil society, political society and the state have specific roles to play to ensure the success of democratic transition, including the successful accommodation of the military. Civil society must take an equitable burden of making the armed forces accepted by all members of the society. To deal reasonably with the military the civil society must have the competence and expertise in military issues. It gives them a fighting edge in the transition, during the democratic bargaining and credible basis for objective civilian control throughout the entire evolution of mature democracy. This expertise is attainable directly from the uniformed military and its scholarly military institutions or through independent,

²⁹⁵ Aguero, p. 18.

²⁹⁶ Stephan, p. 126.

civilian-led institutes dealing with national security issues.²⁹⁷ This kind of competence enable the civilian side to contribute to the crafting of laws and decrees on security and defense policy principles, service and other laws.

The political society's biggest contribution to the 'military issue' is the establishment of permanent standing committees in the legislature, or in party-based parliamentary cabinets, which are obliged to oversight and monitor the country's military and intelligence organizations. The Defense Committees of the Parliaments or equivalent organizations in presidential democracies provide the opportunity to ensure that professional standards meet the requirements and decisions of policy. But, this institutional arrangements should function as a two-way street, meaning that the military, the top military personnel could use it to officially channel information to the legislative. Thus, the Defense Committee is an important stage in conveying professional needs of the armed forces and in preparing the bills for political decision-making by the civilian executive authority.²⁹⁸

Beside this arrangements the members of the Parliament must have the opportunity individually to increase their personal expertise on defense related issues. One clearly see that there are two ways of improving the legislative authority's military competence. Either centrally, by creating an information center available to Parliament members, or individually by providing funds for them to employ military experts in their professional staffs.

The so-called fourth branch of the government in a democracy - the media - has also to facilitate the evolution of durable civil-military relations. Regardless how independent or unbiased the media is, it has certain obligations to educate the whole society on security related issues, thus helping to accommodate the military in the democratic society.

The interests of the democratic state dictates that it should promote the expansion of the range of people and institutions in civil and political society with a comprehensive knowledge on and the feeling of responsibility for national defense and military affairs. An

²⁹⁷ Ibid., p. 128.

²⁹⁸ Ibid., p. 129.

enlightened, on military affairs, state can promote military professionalism in an indirect way, which means denying the military the chance of intervening into internal politics. At the same time the state is increasing its own chances for exercising objective democratic control. I argue that the state has to play an active role in facilitating democratic transition *vis-à-vis* the military. If the executive actively involved in transitional issues and attempts to increase military professionalism, and reduce the risk of any military intervention in democratic processes, the success of democratic transition can be taken for granted as far as the "military issue" is concerned.

Alfred Stephan claims that because of the military constitutes a part of the state apparatus and national defense is considered to be a state function, some form of National Security Council is an appropriate forum for high-level decisions on national security.²⁹⁹ The existence and proper functioning of the Council vindicates the commitment of the civilian side to take an active part in policy formulation. And more importantly for the military, any involvement of the professional military side into the functioning of the Council, should the need arise, would provide the second most important channel for obtaining professional advice before policy decisions are made, or to match strategic alternatives with strategic capabilities.

The quality of interagency processes within the state apparatus cannot be overemphasized enough. In implementing political decisions the effectiveness of interagency activity will basically determine the outcome of democratic processes. It is particularly true in case of fledgling democracies, where the institutions are still in the process of establishment and despite constitutional provisions the areas of responsibilities might be overlapping or missing the necessary interface.

As the example of the United States demonstrates, there is a constant struggle between the legislative and executive for political power, even though the provisions regarding policy-making are set forth in the Constitution. As the analysis of the Goldwater-Nichols 1986 Defense Reorganization Act shows, 'the GNA also had far-reaching consequences for the distribution of power and functions between civilians - in particular between Congress and executive branch civilians. While a stated goal of

²⁹⁹ Ibid., p. 131.

Goldwater-Nichols was to strengthen the influence of the secretary over the military, the Act included a number of measures that would increase the relative influence of Congress. Legislators retained the right of the services to make end runs around the defense secretary, a key to congressional power *vis-a-vis* the executive. Congress also insisted that the chairman and president offer more explicit statements of their defense strategies and spending priorities, giving legislators a new basis on which to critique and revise the defense budget³⁰⁰.

B. MILITARY STRUCTURES AND MILITARY LEADERS IN THE POLITICAL DECISION-MAKING PROCESS

The appropriate, balanced structure of the military establishment is a matter of high priority to secure the basic principles of democracy. This provision means that the military establishment first of all has to facilitate the pre-eminence of objective democratic control over the armed forces. Based on checks and balances the structure of the forces, for the sake of democracy, should exclude the concentration of power vested in a single person either on the military or the civilian side. It should prevent the misuse of military force, deny politicians with military ambitions, or military personnel with political ambitions. On the other hand, the type of the structure of the military establishment is a matter of traditions. Some would argue that the Prussian style general staff is unacceptable, since too much authority and power is concentrated in the hand of the chief of general staff, who if desires so could overthrow or undermine the incumbent civilian government.

Civilian control of the military exemplifies the principle that the military force is not an end in itself, but a means that the civil authority can use to bring about specific political objectives. The military force has to implement political decisions. Tactical decisions regarding the military operations in the field *de facto* must serve the political and strategic goals set up by civil authority, meaning that political decisions in the military structure are filtering down in the form of operational commands. Accordingly, a direct command line has to be established between the commander-in-chief of the armed forces and the fighting forces.

³⁰⁰ Stockton, pp. 92-93.

Civilian control on the level of society is based on the Constitution and constitutional powers are vested in the branches of the government. Civilian control first of all is achieved by nominating civilian leadership into the executive branch, then by civilian leadership of the professional military department, the department or ministry of defense. In the parliamentary system of democratic government the prime minister nominates the civilian minister of defense. The minister of defense must be supported by civilian subordinates (state secretaries, understate secretaries, heads of the departments) to oversee the day-to-day activities of the armed forces. The MOD is a part of the state bureaucracy and responsible for the implementation of political decisions. Civilianization of the ministries is still an issue in many former socialist countries, which are in transition to democracy. The structure of the Ministry of Defense has to ensure a political continuation for implementing political decisions. One would argue that civilian appointees are needed to supervise the implementation of political directives, and most importantly to provide a control for spending the defense budget as it has been approved by the legislature.

In the presidential system of the United States the president appoints the civilian secretary of defense, who presides over the Department of Defense, which incorporates the four military services. Civilian control is further strengthened by the statutory provisions to establish fundamental security policies and judicial defense of civilian control.

This thesis has frequently stated that the military should be excluded from political decision-making. The constitutional provisions and institutional arrangements guarantee this principle. However, these structures do not exclude the possibility, that the military in its own interests will always try to influence those decisions. Security related political decisions must be well established in the interests of the whole society. Civilian makers of policy have to base their decisions on professional expertise, and advice. The 1986 Goldwater-Nichols Act sought to improve professional advice to the president, NSC, and the secretary of defense. This action reflects a good strategy on behalf of the civilian side to obtain professional advice before making political decisions. The chairman of the JCS is the single individual who can speak for the military as a whole. By passing the 1986 Act,

the legislators made it certain that this professional advice provided by the chairman is well established, since the Act made him responsible for, or involved in, all the aspects of the military means and political ends, starting with contingency planning, through his possible involvement in making the chain of command function effectively, to the more efficient use of defense resources. In doing so he is aware about the preparation as well as the implementations of the political decisions, not only for the military, but the whole nation.

Fulfilling his assignment, thus the Chairman's activity involves both professional and political aspects. Dealing with sensitive security issues, the chairman cannot help but consider the political consequences of his advice. In this way, as Colin Powell did in 1993-1994, the chairman may become politicized. By nominating the chairman as the senior military adviser the GNA intended to make him an ally of the president. This presumption may lead to certain ambiguities in the relationships among the president, the secretary of defense and the chairman. Such a formulation of the way the chairman can give advice to the president does not exclude the possibility of a direct contact between them, at the same time ignoring the SECDEF. However, one can suppose that it is in the best interest of the chairman to keep his immediate superior informed about the advice he gives to the president.

C. RECOMMENDATIONS FOR COUNTRIES IN TRANSITION TO DEMOCRACY

In democratic countries the armed forces have to serve the interests of the nation. Military actions must be subservient to political decisions. This principle must be implemented in practice by objective democratic control over the armed forces. Emerging democracies facing the difficult situation of democratic transition have to accommodate their militaries in the society, if they opted for the defense of democratic achievements.

The case of the United States offers a rich ground to examine the evolution of civil-military relations. The US experience is valuable, but nonetheless quite complex. However, based on this case study, two basic assumptions can be made. First, the military establishment as a whole, and its different parts must be flexible. They must have a certain capacity to surmount the changed circumstances. Military organizations are in constant

search for their most effective structure. Should the external security environment of the country change, the defense organization and the way of its management should be changed as well.

Second, civil-military cooperation in solving security related issues is important. The term "civil-military relations" refers to a certain kind of interaction between the civilian and the military sides without particular definition of the nature of those relations. Such relations range from total ignorance of the civilian interests or military interests. Both these extreme alternatives are very unlikely to be found in democratic societies since there is an objective necessity to defend the country, for that purpose it needs the armed forces. So, for a balanced relationship the civilian side as well as the military has to find the way how to cooperate better. In inter-ministerial terms, for example there is a possibility between the ministry of defense and foreign ministry for closer interaction by employing active military personnel in the Ministry of Foreign Affairs, as it is done in the US State Department. To further improve inter-agency processes, for example in Hungary, as it was recommended by Jeffrey Simon, an interagency body (a National Security Council) should be established to formulate national security policy. "Such body under the Prime Minister ... could bring together ministries of Foreign Affairs, Defense, Interior, Finance, and Industry to formulate policy and provide clear direction to the armed forces."³⁰¹ Even though, however one might observe that this goal has not always worked in the United States.

In 1996, Jeffrey Simon in analyzing civil-military relations in light of possible NATO membership for Hungary, warns about other deficiencies in the Hungarian defense establishment. To improve the situation he makes the following recommendations:

- it is necessary to ensure that the Hungarian Defense Ministry maintains *real* civilian oversight of the military;
- to exclude the duplication of functions in the MOD and General Staff, the two bogy should be incorporated;
- the defense ministry has yet to implement a mid-and long-term planning mechanism;

³⁰¹ Jeffrey Simon, p. 174.

- the defense ministry has to establish an Operational Requirements Branch to assess and compare the technical capabilities of weapons and systems;
- more resources has to be provided for force modernization.

With the defense reform started 1. December 1996. and lasting 31. December 1997., most of these recommendations have been realized. Hungary has changed the force and command structure as of 1. September 1997. and established the Joint Defense Staff and the Service Staffs. Moreover, the Joint Defense Staff has been incorporated into the Ministry of Defense. Due to this reorganization the integrated defense ministry links the defense minister (and his administrative and policy advisers) directly to the command structure. This kind of the ministerial structure also facilitates the flow of defense needs from the armed forces to the government, opening up defense policy and activities to public scrutiny and accountability. These changes ultimately provide a more efficient oversight of the Hungarian Defense Forces and a more flexible structure to the whole defense establishment.

These defense reorganizations will have positive and negative consequences. By creating the Joint Defense Staff and integrating it to the MOD the military's weight have increased and hopefully professional expertise will be more visible and utilisable. It means also that the military's voice in effecting political decisions and implementing them will be much stronger than it used to be. By creating Service Staffs and separate services, such as Army and Air Force, the possibility of the well-known in the US case interservice rivalry or interservice competition has been created. Scarce defense budget will be the reason for such competition, when each of the services will try to convince the Joint Chief and the legislation about the priority of their service needs. This kind of competition between the services can be avoided by providing adequate defense budget, but the present defense appropriation will not support similar tendency.

By the 1996-97 defense reorganization the Hungarian military has reached the situation in which it is more capable of effecting security related political decisions. It depends now on the military side to what extent it can exploit this opportunity, can put pressure through the defense minister on the executive, and on the executive branch how they can handle these improved chances of the high-ranking military officials.

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